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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

[Farm Credit Administration Order 490]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORITY AND DESIGNATION OF ORDER OF PRECEDENCE OF DEPUTY INTERMEDIATE CREDIT COMMISSIONER AND ASSISTANT DEPUTY INTERMEDIATE CREDIT COMMISSIONER TO ACT AS INTERMEDIATE CREDIT COMMISSIONER

Section 3.15 of Title 6 of the Code of Federal Regulations is hereby amended to read as follows:

§ 3.15 *Authority and designation of order of precedence of Deputy Intermediate Credit Commissioner and Assistant Deputy Intermediate Credit Commissioner to act as Intermediate Credit Commissioner.* Martin H. Uelsmann, Deputy Intermediate Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Intermediate Credit Commissioner in the event that the Intermediate Credit Commissioner is unavailable to act by reason of absence or for any other cause, and to execute and perform the duties of a Deputy Intermediate Credit Commissioner in respect to the preparation and issuance of consolidated debentures of the twelve Federal intermediate credit banks.

Franklin D. Van Sant, Assistant Deputy Intermediate Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of the Intermediate Credit Commissioner in the event that the Intermediate Credit Commissioner and Deputy Intermediate Credit Commissioner Martin H. Uelsmann are unavailable to act by reason of absence or for any other cause. (Sec. 40, 48 Stat. 51, sec. 80, 48 Stat. 273; 12 U. S. C. 636, 638 (b))

[SEAL] I. W. DUGGAN, *Governor.*

JULY 30, 1948.

[F. R. Doc. 48-7085; Filed, Aug. 4, 1948; 8:54 a. m.]

PART 10—FEDERAL LAND BANKS

INTEREST RATES ON LOANS MADE THROUGH AN ASSOCIATION OR BY A BRANCH BANK

Section 10.22 of Title 6 of the Code of Federal Regulations is hereby amended to read as follows:

§ 10.22 *Interest rates on loans made through an association or by a branch bank.* Approval is hereby given to an interest rate (a) of 4 per centum per annum on loans by banks through associations, except (1) loans by The Federal Land Bank of Columbia applied for through associations on and after August 1, 1948, on which an interest rate of 4½ per centum per annum is hereby approved and (2) loans on the security of the classes specified in § 10.23, and (b) of 4½ per centum per annum on loans made pursuant to section 672, Title 12, United States Code, notwithstanding that the interest rate on the Federal farm loan bonds of the last series issued prior to the making of any such loans may be less than 3 per centum per annum. (Sec. 12 "Second", 39 Stat. 370, as amended; 12 U. S. C. 771 "Second")

[SEAL] I. W. DUGGAN, *Governor.*

JULY 29, 1948.

[F. R. Doc. 48-7086; Filed, Aug. 4, 1948; 8:54 a. m.]

Chapter V—Production and Marketing Administration (Diversion Programs)

[Program P/72a]

PART 501—COTTON INSULATION PROGRAM

SUBPART—FISCAL YEAR 1949

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FEDERAL REGISTER

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Sec.
501.213 Bond.
501.214 Termination of offer.
501.215 Delegation of authority.

AUTHORITY: §§ 501.201 to 501.215, inclusive, issued under sec. 32, 49 Stat. 774, as amended, Pub. Law 712, 80th Cong.; 7 U. S. C. 612c.

§ 501.201 *Offer to make payments.* The Secretary of Agriculture of the United States (hereinafter referred to as the Secretary), pursuant to clause (2) of section 32, Public Law No. 320, 74th Congress, as amended, will make payments, subject to the conditions hereinafter set forth, to holders of approved applications (hereinafter referred to as processors) who will divert cotton from the normal channels of trade and commerce by manufacturing cotton insulation, or causing cotton insulation to be manufactured. If cotton insulation is to be manufactured by another for the processor's account under the "causing * * * to be manufactured" provision herein, approval in writing from the Secretary or from his authorized representative must first be secured.

§ 501.202 *Definitions of terms as used herein.* (Terms in the singular may be interpreted in the plural and terms in the plural may be interpreted in the singular.)

(a) "Processors" means individuals, firms, partnerships, corporations, associations, or other organizations.

(b) "Insulation" means insulating material which meets specifications approved by the Secretary or his authorized representative and referred to in the approved application (see § 501.210).

(c) "Cotton" means the following: (1) Lint cotton grown in the United States not less than ¾ inches in staple and not lower in grade than the lowest grades in the universal standards for American upland cotton; (2) unreworked cotton card strips of qualities approved by the Secretary or his authorized representative; and (3) unreworked cotton comber noils of qualities approved by the Secretary or his authorized representative.

(d) "Backing material" means material to which the batt part of the insulation is attached or in which it is encased, used to repel moisture or vapor, or to serve as a nailing flange, or other structural function.

(e) "Manufacture" means: (1) In the case of insulation with backing material, and in the case of insulation not more than 24 inches wide without backing material, the processing of raw material to the point that the insulation is in form and is packaged for delivery to vendees, provided it is delivered, shipped, or delivered to carrier for shipment to eligible recipients.

(f) "Eligible recipients" mean individuals, firms, partnerships, corporations, associations, or other organizations who: (1) Are engaged in the distribution of insulation; (2) certify by affidavit that by reason of the receipt of insulation herein provided they will engage in the distribution of insulation; (3) use insulation for insulating or acoustical purposes either in real or personal property or in the manufacture of products for distribution; (4) if not covered by subparagraphs (1), (2), or (3) of this paragraph are approved by the Secretary or his authorized representative as eligible recipients of insulation under the program.

§ 501.203 *Period of manufacture of insulation.* Insulation must have been manufactured in the United States on or after the date of approval of the application and on or before June 30, 1949.

§ 501.204 *Rate of payment.* Rate of payment by the Secretary will be four and one-quarter (4¼) cents per pound, gross weight, of cotton (as defined herein) used in the manufacture of insulation.

§ 501.205 *Changing specifications.* With the consent of the processor and the Secretary or his authorized representative, specifications referred to in a particular application may be changed. Such new specifications shall apply only to insulation manufactured after the change has become effective.

§ 501.206 *Meeting specifications.* Processors must certify that insulation manufactured under the approved application meets applicable minimum specification requirements. The insulation shall be subject to examination at the plant of manufacture or elsewhere as often as the Secretary or his authorized representative deems necessary. If on such examination it is found that minimum specifications for insulation are not being met, payments thereafter may be suspended until specification requirements are complied with. For purposes of examining and testing the material, samples shall be supplied without cost by the processor to the Secretary or his authorized representative.

§ 501.207 *Packaging and marking.* At the time of manufacture all insulation shall be securely packaged and marked with a serial number or with a symbol by which the individual package can be identified.

§ 501.208 *Inspection.* During the period of participating in the program as herein provided, the establishment of the processor (and the establishment of others manufacturing insulation for the processor's account under the causing to be manufactured provision of this offer) shall be open to the Secretary or to his authorized representative or agent for observation of materials used, of insulation manufactured, and of compliance with other provisions of the program.

§ 501.209 *Reports and cost data—*(a) *Progress report.* From time to time the processor shall submit reports containing information in connection with materials used, insulation made, and other data by which the progress of the program may be appraised, the time of submission and the kind of data to be as required by the Secretary or his authorized representative.

(b) *Cost data.* During the period of participating in the program the processor, in cases where insulation is manufactured by his plant, or if the processor is a corporation, also in the plants of its subsidiaries, shall from time to time upon written request supply to the Secretary or his authorized representative data with respect to individual costs of items relating to the manufacture and distribution of each of the various types of cotton insulation manufactured during specified future period (week, month, or other periods of time). Such reports will be considered as confidential by the Department of Agriculture. During the period for which cost data are requested, the processor shall maintain such cost records relating to cotton insulation as will disclose accurate data with respect to the information requested. Failure of the processor to supply requested information will give the Secretary or his authorized representative the right to suspend payments until such request is complied with.

§ 501.210 *Applications.* No processor shall be entitled to payments unless he has submitted an "Application" (Form CN–16–1), to use a specified quantity of cotton in the manufacture of insulation in connection with the "Cotton Insulation Program (Fiscal Year 1949)," and the Secretary or his authorized representative has, pursuant to the terms and conditions set forth in that application and in this offer, approved such application in whole or in part. No payment will be made on any quantity of cotton in excess of that for which an application is approved. More than one application may be approved for the same applicant. The right is reserved to reject any or all applications.

§ 501.211 *Payment as manufacture is completed.* Any part or parts of the quantity of cotton covered by an approved application may be separately manufactured into insulation and the Secretary will make payments in connection with such quantities in the same manner as if the total quantity of cotton covered by such application had been used in the manufacture of insulation.

§ 501.212 *Claims for payment.* No processor shall be entitled to payments in connection with the use of cotton in the manufacture of any particular insulation unless he shall submit in connection therewith on or before August 15, 1949, or during any extensions of such time made by the Secretary or his authorized representative, a claim in voucher form and shall furnish to the Secretary or to his authorized representative or agent such information as may be requested for the purpose of en-

abling him to determine that there has been compliance with the conditions of this offer and the approved application, and to determine the proper payment to be made. The processor shall make available to the Secretary or to his authorized representative or agent, for the purpose of verifying such information, any pertinent books, records, memoranda, documents, papers, and correspondence of the processor or of the processor's agents or representatives, which the Secretary or his authorized representative or agent may request. The determination of the Secretary as to pertinency shall be final.

§ 501.213 *Bond.* Within 30 days after approval of an application the processor will furnish a bond, in a form satisfactory to the Secretary or his authorized representative, guaranteeing repayment of any amounts which the Secretary may have paid to the processor and to which the processor was not entitled under the provisions of this offer. The amount of the bond shall be 25 percent of the total maximum payments which might become due under the application as approved. If such bond is not furnished within the prescribed period of time (or within such period as extended by the Secretary or his authorized representative), the approval of the application shall be deemed revoked, without further notice by the Secretary or his authorized representative.

§ 501.214 *Termination of offer.* The Secretary reserves the right to terminate this offer at any time by giving public notice thereof. Such termination shall not affect any payments to be made pursuant to any application theretofore approved by the Secretary or his authorized representative.

§ 501.215 *Delegation of authority.* The Administrator of the Production and Marketing Administration, is designated as representative and agent of the Secretary of Agriculture to perform the duties of such representative and agent as set forth in this offer. The said administrator may redelegate to such employees of the Department of Agriculture as he may select, with power of subdelegation, the authority to perform any one or more of such duties.

Issued this 2d day of August 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7084; Filed, Aug. 4, 1948; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 29—TOBACCO INSPECTION

DESIGNATION OF CLAXTON, GA., TOBACCO MARKET

Upon a referendum conducted, pursuant to prior notice (13 F. R. 3740), during the period July 7-8, 1948, among tobacco growers, who, during the 1947 marketing season, sold tobacco at auction on the market at Claxton, Georgia, it is found that more than two-thirds of the growers voting in such referendum favor the designation of such market under section 5 of The Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.) for the mandatory inspection and certification of tobacco sold on such market. Therefore, pursuant to the authority vested in the Secretary of Agriculture, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR Cum. Supp., 29.301; 9 F. R. 11571, 10 F. R. 11104, 11 F. R. 7967, 11 F. R. 8712, 11 F. R. 13099, 12 F. R. 4015, 13 F. R. 2579, and 13 F. R. 2963) are amended by adding thereto at the end thereof the following paragraph (dd):

§ 29.301 *Designation of tobacco markets.* * * *

(dd) *The tobacco market at Claxton, Georgia.* Effective September 4, 1948, no tobacco of any type shall be offered for sale at auction on the market at Claxton, Georgia, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under The Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated above.

(49 Stat. 731; 7 U. S. C. 511 et seq.)

Issued this 30th day of July 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7087; Filed, Aug. 4, 1948; 9:02 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DISCONTINUANCE OF BARING AND NORTH AMITY, MAINE, AS CLASS B PORTS OF ENTRY

Section 110.1, *Designated ports of entry except by aircraft,* Chapter I, Title 8, Code of Federal Regulations, is amended by deleting "Baring, Maine" and "North Amity, Maine" from the list of Class B ports of entry in District No. 1.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is unnecessary because these ports have already ceased to be customs ports and for that reason it is impracticable to continue them as ports of entry for aliens.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1, 12 F. R. 4781)

JOHN P. BOYD,
Acting Commissioner of Immigration and Naturalization.

Approved: July 28, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-7072; Filed, Aug. 4, 1948; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-317-A]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

TEMPORARY AUTHORIZATION FOR SCHEDULED NONCERTIFICATED CARGO CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 30th day of July 1948.

Special Civil Air Regulation Serial Number SR-317, adopted by the Civil Aeronautics Board January 26, 1948, effective February 10, 1948, authorized noncertificated cargo carriers to operate under the provisions of Part 42 of the Civil Air Regulations until the Board had acted upon their applications for certificates of public convenience and necessity or until August 1, 1948, whichever occurred sooner. At the time this Special Civil Air Regulation was adopted it was anticipated that final action would have been completed on these applications for certificates of public convenience and necessity prior to August 1, 1948. Final action has not yet been completed on all applications, and an extension of the termination date of this Special Civil Air Regulation is necessary to permit these air carriers to continue to operate under the provisions of Part 42.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Special Civil Air Regulation SR-317, effective August 1, 1948, by amending the last sentence thereof to read as follows:

This regulation shall terminate August 1, 1949, unless sooner terminated or revoked by the Board.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-7088; Filed, Aug. 4, 1948; 8:54 a. m.]

TITLE 15—COMMERCE

Chapter II—National Bureau of Standards, Department of Commerce

PART 200—TEST FEE SCHEDULES

MISCELLANEOUS AMENDMENTS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedure would, because of the nature of these rules, serve no useful purpose.

These rules shall be effective upon the date of publication in the FEDERAL REGISTER.

1. Section 200.441, *Optical instruments* (15 CFR, Part 200), is hereby amended to read as follows:

§ 200.1–6–1 *Optical instruments.*

Item	Description	Fee
	Telescopes:	
1–6–1.1	Complete test of telescope for conformity with type specifications comprising measurement of resolving power, true angular field, apparent angular field, diameter of entrance pupil, diameter of exit pupil, magnification, and transmittance	$27.00
1–6–1.2	Determination of resolving power, true angular field, diameter of entrance pupil, diameter of exit pupil, and magnification	17.00
1–6–1.3	Determination of transmittance	10.00
1–6–1.4	General purpose test comprising measurement of resolving power and general comments on image quality	7.00
	Binoculars:	
1–6–1.5	Complete test of a binocular for conformity with type specifications comprising measurement of resolving power, true angular field, apparent angular field, diameter of entrance pupil, diameter of exit pupil, magnification, parallelism of axes, relative orientation of field, and transmittance	42.00
1–6–1.6	Measurement of resolving power, diameter of entrance pupil, diameter of exit pupil, magnification, and true angular field	22.00
1–6–1.7	Measurement of transmittance	12.00
1–6–1.8	General purpose test comprising measurement of resolving power, parallelism of axes, relative orientation of fields, and general comments on image quality	12.00
1–6–1.99	For special tests not covered by the above schedule fees will be charged dependent upon the nature of the test.	

2. Section 200.442, *Photographic objectives* (15 CFR, Part 200), is hereby amended to read as follows:

§ 200.1–6–2 *Photographic objectives.*

Item	Description	Fee
	Photographic objectives not mounted in cameras:	
1–6–2.1	Determination of focal length and back focal length	$9.00
1–6–2.2	Determination of equivalent focal length, back focal length, separation of the nodal points, and thickness	12.00
1–6–2.3	Determination of equivalent focal length, back focal length, separation of the nodal points, and distortion at 5° intervals from the center to edge of field for one specified ratio of object to image size	32.00
1–6–2.4	Fee for each additional ratio	15.00
1–6–2.5	Determination of resolving power at 5° intervals from center to edge of field for parallel light at one aperture	12.00
	Photographic objectives not mounted in cameras—Continued	
1–6–2.6	Determination of back focal length, equivalent focal length, distortion and resolving power at 5° intervals from the center to edge of the field	$27.00
	(NOTE.—This is the test usually required for lenses that are to be mounted in precision airplane mapping cameras.)	
1–6–2.7	Determination of equivalent focal length and true geometric f-number for one marked stop	12.00
1–6–2.8	Fee for each additional stop	3.00
1–6–2.9	Calibration of the f-numbers in terms of the f-numbers of a lens having 100% transmittance	32.00
1–6–2.10	Calibration of the f-numbers in terms of the f-numbers of a lens having 100% transmittance, determination of the equivalent focal length, true geometric f-numbers, and transmittance	52.00
	Photographic objectives mounted in cameras:	
1–6–2.11	Determination of focal length for lens mounted in camera	12.00
1–6–2.12	Fee for each extra magazine	5.00
1–6–2.13	Determination of equivalent focal length, distortion and resolving power at 5° intervals from center to edge of field for lens mounted in camera	32.00
1–6–2.14	Location of the principal point, and check of 90° condition for lens mounted in camera	27.00
1–6–2.15	Setting the principal point and 90° condition, checking and doweling for lens mounted in camera	17.00
1–6–2.16	Certification of precision airplane mapping camera equipped with lens of 8¼-inch focal length, in accordance with United States Department of Agriculture Specification No. A–APC–1102	72.00
1–6–2.17	Certification of precision airplane mapping camera, equipped with lens of 8¼ inch focal length that has performed satisfactorily under test No. 1–6–2.6 or No. 1–6–2.13 in accordance with United States Department of Agriculture Specification No. A–APC–1102	42.00
	Photographic objectives, telescope objectives, eyepieces, etc.	
1–6–2.18	Determination of back focal length, equivalent focal length, and curvature of field	27.00
–6–2.19	Determination of back focal length, equivalent focal length, and longitudinal spherical aberration by a visual method	27.00
1–6–2.20	Determination of axial chromatic aberration for three colors	27.00
1–6–2.21	Determination of lateral chromatic aberration for three colors	52.00
1–6–2.99	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

3. Section 200.443, *Optical components* (15 CFR, Part 200), is hereby amended to read as follows:

§ 200.1–6–3 *Optical components, spectacle lenses, goggle lenses, etc.*

Item	Description	Fee
	Optical components:	
1–6–3.1	Determination of equivalent focal length of single component lens	$9.00
1–6–3.2	Fee for each additional lens	7.00
1–6–3.3	Determination of a single radius of curvature	12.00
1–6–3.4	Fee for each additional determination	10.00
	Spectacle lenses:	
1–6–3.5	Determination of spherical and cylindrical power, axis of sphere, and axis of cylinder for a single spectacle lens	3.50
1–6–3.6	Fee for each additional lens	1.50
1–6–3.7	Determination of spherical and cylindrical powers, axis of sphere, and axis of cylinder for a single spectacle lens with bifocal segment	4.50
1–6–3.8	Fee for each additional lens	2.50
1–6–3.9	Sunglass lenses: Determination of refractive power, surface quality, and definition to determine compliance of a single sunglass lens with commercial standards	$4.00
1–6–3.10	Fee for each additional lens	2.00
1–6–3.11	Goggle lenses: Determination of lens dimensions, refractive power, prismatic power and definition; and making drop tests on a single hardened goggle lens to determine compliance with Federal Specification GGG–G–501b	4.00
1–6–3.12	Fee for each additional lens	2.00
1–6–3.13	Determination of lens dimensions, refractive power, prismatic power, and definition; and making strength tests on a single welder's goggle lens to determine compliance with Federal Specification GGG–G–511a	4.00
1–6–3.14	Fee for each additional lens	2.00
1–6–3.99	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

4. Section 200.444, *Refractometric instruments and sextants* (15 CFR, Part 200), is hereby amended to read as follows:

§ 200.1–6–4 *Refractometric instruments and sextants.*

Item	Description	Fee
	Abbe refractometer:	
1–6–4.1	Test and calibration at 4 or more scale readings, including test of compensator for determining dispersion	$27.00
1–6–4.2	Test and calibration at 4 or more scale readings, including test of compensator only as used in determining index (to $\pm 1 \times 10^{-4}$)	12.00
	Precision Abbe refractometer reading (by estimation or use of tables) to 5th decimal place of index:	
1–6–4.3	Test and calibration at 4 or more scale readings for each spectral line, including test of compensator only as used in determining index (to $\pm 5 \times 10^{-5}$)	17.00
	Immersion refractometer:	
1–6–4.4	Test and calibration at 4 or more scale readings	12.00
	Butter, or fat, refractometer:	
1–6–4.5	Test and calibration at 4 or more scale readings	12.00
	Pulfrich refractometer:	
1–6–4.6	Test and calibration at 4 or more scale readings for each spectrum line—each prism of the refractometer	12.00
	Marine sextants:	
1–6–4.7	(See B. S. Circular No. 110)	17.00
1–6–4.99	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

5. Section 200.445, *Refractive indices* (15 CFR, Part 200), is hereby amended to read as follows:

§ 200.1–6–5 *Refractive indices.*

Item	Description	Fee
	Index of refraction (approximately $\pm 1 \times 10^{-4}$) for D spectrum line for one liquid by precision Abbe refractometer:	
1–6–5.1	Determination of, for single temperature	$10.00
1–6–5.2	For each additional sample submitted at the same time for same temperature, or for each determination on additional spectral lines for same temperature	4.00
1–6–5.3	For one determination at each additional temperature	8.00
	Index of refraction ($\pm 1 \times 10^{-4}$) for D spectrum line for one solid by precision Abbe refractometer:	
1–6–5.4	Determination of, for one sample	7.00
1–6–5.5	For each additional sample submitted at the same time	3.00

Item	Description	Fee
	Index of refraction ($\pm 1 \times 10^{-4}$) for D spectrum line for one solid by Pulfrich refractometer:	
1-6-5.6	Determination of, for one sample	$7.00
1-6-5.7	For each additional sample submitted at same time	3.00
1-6-5.8	For each additional spectrum line, C, F, or G'	1.00
	Index of refraction ($\pm 1 \times 10^{-5}$) of solid submitted in form of 60° prism:	
1-6-5.9	Determination for one spectrum line	12.00
1-6-5.10	Determination for each additional spectrum line	5.00
	Optical glass:	
1-6-5.11	Determination of transmissivity	7.00
1-6-5.99	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

(Sec. 312, 47 Stat. 410; 15 U. S. C. 276)

[SEAL] E. U. CONDON,
Director,
National Bureau of Standards.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-6973; Filed, Aug. 3, 1948; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 610—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: PROCEDURES

ESTABLISHMENT OF RENTS AND INCOME LIMITS

Section 610.402 (e)[1] is hereby amended, effective July 1, 1948, to read as follows:

§ 610.402 *Establishment of rents and income limits.* * * *

(e) *Rent schedules and rental income.* The Local Authority shall prepare and incorporate in the Estimate of Average Annual Rents (see section 408) a rent schedule showing the rents in the various income grades, the number of families which it estimates will be accommodated at each rent, and the total rental income to be received. The rent schedule shall be fixed and administered so as to produce an income which will keep Federal and local contributions at the lowest amount consistent with meeting the needs of a cross section of the families in the lowest income group. In no event, however, may the aggregate scheduled annual income of the developments comprising one project be less than an amount which, together with the maximum Federal annual contribution, will suffice to meet the aggregate annual expenses of administration of such developments (including debt service, reserves, and payments in lieu of taxes) (see section 408). To avoid substantial increases in rents in the third five-year period (this being the first five-year period in which substantial amounts of replacements are to be expected) rents for the first two five-year periods shall be established so as to require not more than 80% of the maximum Federal annual contribution.

(50 Stat. 888; 42 U. S. C. 1401-30)

Approved: July 28, 1948.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 48-7055; Filed, Aug. 4, 1948; 8:46 a. m.]

[1] Part 610, formerly Part 601, appeared in 10 F. R. 7321.

PART 610—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: PROCEDURES

FIVE-YEAR ESTIMATES OF AVERAGE ANNUAL EXPENSE AND AVERAGE ANNUAL RENT

Section 610.408[1] is hereby amended, effective July 1, 1948, to read as follows:

§ 610.408 *Five-Year Estimates of Average Annual Expenses and Average Annual Rent*—(a) *Estimate of Average Annual Expense.* The Five-Year Estimate of Average Annual Expense is a forecast of the average yearly expense of a project over a given five-year period. It will serve (1) as the basis for establishing an operating reserve (see section 410); (2) as the primary justification for annual operating budgets (see section 409); and (3) in connection with the preparation of the estimate of average annual rent, to determine the amount of subsidy required to achieve the proposed rents.

A Five-Year Estimate of Average Annual Expense for the project, covering the first five years of operation, shall be included in the Management Program. A new Estimate shall be prepared at the beginning of each subsequent five-year period. The Five-Year Estimate of Average Annual Expense will be based on the amounts, averaged over a five-year period, which it is expected will be actually expended, including the average amounts expected to be actually spent for repairs, maintenance, and replacements and for collection losses.

If substantial changes in the level of operating costs should occur within a five-year period, the Local Authority shall submit to the PHA for review and approval a revised Five-Year Estimate of Average Annual Expense, covering a new five-year period beginning with the current or following fiscal year.

(b) *Estimate of Average Annual Rent.* For each five-year period for which an Estimate of Average Annual Expense is prepared, the Local Authority shall also prepare a Five-Year Estimate of Average Annual Rent. This shall be based on a Schedule of Rents appropriate to the income groups which the Local Authority intends to house (see section 402). (50 Stat. 888; 42 U. S. C. 1401-30)

Approved: July 28, 1948.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 48-7056; Filed, Aug. 4, 1948; 8:47 a. m.]

PART 610—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: PROCEDURES

OPERATING RESERVES

Section 610.410[1] is hereby amended, effective July 1, 1948, to read as follows:

§ 610.410 *Operating Reserves.* The Local Authority shall set up an Operating Reserve for each project. At the end of any year of the first five years of a project's life, this Reserve shall not exceed an amount equal to one-tenth of the annual operating expense of the project, as shown in the Five-Year Estimate of Average Annual Expense (see section 408), times the number of years which have passed. For all subsequent five-year periods, it shall not exceed an amount equal to one-half of the annual operating expense as shown in the Five-Year Estimate of Average Annual Expense for the applicable period. As used herein, "Annual Operating Expense" includes the expenses of management, operating services, utilities, repairs, maintenance, and replacements, collection losses, and other items of operating expense, but excludes payments in lieu of taxes, debt service, provision for reserves, and miscellaneous non-operating expense.

During the first five years the Operating Reserve shall be built up by setting aside each year an amount sufficient to bring the Reserve to the maximum permitted at the end of such year. If at any time subsequent to the end of the initial five-year period the Reserve is less than the maximum amount permitted, it should at that time be increased to the maximum amount to the extent that the income of the project, together with the maximum Federal contribution, is sufficient after payment of expenses.

The Operating Reserve shall be drawn upon to meet the expenses of a project only in a fiscal year in which the income of a project, together with the maximum Federal contribution, is insufficient to pay the expenses of such year, because of abnormal costs of RM&R, abnormally low levels of rents, unusually high collection losses or other reasons.

Funds accumulated in the Operating Reserve shall be available, if required, to provide funds for the prepayment of expenses such as insurance premiums. (50 Stat. 888; 42 U. S. C. 1401-30)

Approved: July 28, 1948.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 48-7057; Filed, Aug. 4, 1948; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

SUWANNEE RIVER, OLD TOWN, FLA.; BAYOU LAFOURCHE, LAFOURCHE, LA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.241 (f) is hereby amended by the modification of the introductory sentence and the addition of subparagraphs relating to the Atlantic Coast Line Railroad Company bridge across Suwannee River at Old Town, Florida, and the Texas and New Orleans Railroad Company bridge

across Bayou Lafourche at Lafourche, Louisiana, as follows:

§ 203.241 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

* * * * *

Suwannee River, Fla.; Atlantic Coast Line Railroad Company bridge at Old Town, Fla. At least five days' advance notice required.

* * * * *

Bayou Lafourche, La.; Texas and New Orleans Railroad Company bridge at Lafourche, La. From 5:00 p. m. to 8:00 a. m., at least 12 hours' advance notice required. At all other times the regulations in § 203.240 shall govern the operation of this bridge.

* * * * *

[Regs. July 20, 1948, CE 823.01, ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-7065; Filed, Aug. 4, 1948; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

APPLICATION OF LIBERALIZING VETERANS' ADMINISTRATION ISSUES

1. In Part 5, § 5.2553 is added to read as follows:

§ 5.2553 *Application of liberalizing Veterans' Administration issues.* Except where otherwise specifically provided, death compensation or pension which is payable pursuant to the provisions of an amended regulation or a Veterans' Administration issue containing liberalizing criteria approved by the Administrator or by his direction shall not be paid for any period prior to the date of such regulation or issue. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-7067; Filed, Aug. 4, 1948; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 2452]

PART 1—REPRESENTATION OF PARTIES IN PROCEEDINGS BEFORE THE DEPARTMENT OF THE INTERIOR: REGULATION OF PRACTITIONERS

DISQUALIFICATIONS

The cross reference after § 1.5 is amended to read as follows:

§ 1.5 *Disqualifications.* * * *

CROSS REFERENCE: Attorneys and other Practitioners acting as notaries in same case, see § 221.89 (a).

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 28, 1948.

[F. R. Doc. 48-7054; Filed, Aug. 4, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 3—CARRIER AGREEMENTS RELATING TO RATES, FARES, ETC.

AUTHORITY TO ESTABLISH OR CONTINUE AGREEMENTS BETWEEN OR AMONG CARRIERS

Rules and regulations governing applications under section 5a of the Interstate Commerce Act, as amended, for authority to establish or continue agreements between or among carriers.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 28th day of July A. D. 1948.

There being under consideration the above-entitled matter:

It is ordered, That paragraphs (a) and (b) of § 3.1, *Form and contents of application,* are hereby amended to read as follows:

(a) Full and correct name and business address (street and number, city and zone, county and state) of the carrier applicant or applicants (hereinafter called applicant); whether applicant is a corporation, individual, or partnership; if a corporation, the government, state or territory under the laws of which the applicant was organized and received its present charter, and if a partnership, the names of the partners and date of formation of the partnership.

(b) Full and correct name and business address (city and state) of each carrier on whose behalf the application is filed and whether it is a corporation, individual, or partnership.

And it is further ordered, That notice of these regulations be given to the general public by posting copies in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register.

(Pub. Law 662, 80th Cong.; 62 Stat. 472)

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-7068; Filed, Aug. 4, 1948; 8:50 a. m.]

[Docket No. 3666]

PARTS 71-85—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of July A. D. 1948.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921, (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles.

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part thereof;

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

Part 2—List of Explosives and Other Dangerous Articles (CFR 73)

Amending commodity list section 4, order August 16, 1940, to read as follows:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
(Change) Aniline oil, liquid	Pois. B	No exemption, 339	Poison	55 gallons.
(Add) Antimony pentafluoride	Cor. L	No exemption, 249A	White	25 pounds.
(Add) Carbon dioxide-oxygen mixture	Noninf. G	302, 303	Green	300 pounds.
(Add) Compounds, cleaning, liquid (containing hydrofluoric acid).	Cor. L	244, 254B	White	10 pints.
(Add) Cupriethylene-diamine solution	Cor. L	244, 249	do	1 gallon.
(Add) Ethyl trichlorosilane	Inf. L	No exemption, 109A	Red	10 gallons.
(Add) Explosive rivets	Expl. C	No exemption, 75		150 pounds.
(Add) Helium-oxygen mixture	Noninf. G	302, 303	Green	300 pounds.
(Add) Hexaethyl tetraphosphate and noninflammable compressed gas mixture.	Poison A	No exemption, 331A	Poison gas	Not accepted.
(Add) Potassium, metallic liquid alloy	Inf. S	No exemption, 206B	Yellow	1 pound.
(Change) Silicon chloride (tetrachloride)	Cor. L	244, 247	White	1 gallon.
(Add) Sodium hydride	Inf. S	No exemption, 206A	Yellow	25 pounds.
(Add) Sodium, metallic liquid alloy	Inf. S	No exemption, 206B	do	1 pound.
(Add) Tetraethyl pyrophosphate and noninflammable compressed gas mixture.	Pois. A	No exemption, 331A	Poison gas	Not accepted.
(Add) Thiophosphoryl chloride	Cor. L	No exemption, 270, 271	White	1 quart.
(Add) Trichlorosilane	Inf. L	No exemption, 109A	Red	10 gallons.

Part 3—Regulations Applying to Shippers (CFR 75)

Superseding and amending paragraph (a) (5), section 61, *High explosives definition and preparation,* order February 3, 1948, to read as follows:

(a) (5) Desensitized liquid explosives are explosives that may be detonated separately or when absorbed in sterile absorbent cotton, by a blasting cap containing two grams of a mixture consisting of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap

of equivalent strength; but cannot be detonated in the Bureau of Explosives' Impact Apparatus (See Note 1) by a drop of less than 10 inches. The desensitizer must not be significantly more volatile than nitroglycerin and the desensitized explosive must not freeze at temperatures above minus 10° F. Example: Desensitized nitroglycerin.

NOTE 1. The Bureau of Explosives Impact Apparatus is a testing device designed so that a guided 8-pound weight may be dropped from predetermined heights so as to impact specific quantities of liquid or solid materials under fixed conditions. Detailed prints may be obtained from the Bureau of Explosives, 30 Vesey Street, New York 7, New York.

Superseding and amending paragraph (a), section 65, Smokeless powder, order April 19, 1948, to read as follows:

(a) Smokeless powders are propellant explosives from which there is little or no smoke when fired. They include smokeless powder for cannon and smokeless powder for small arms. Smokeless powder for cannon used in the United States at the present time consists of a nitrocellulose colloid and is comparatively safe to handle and transport. Smokeless powder for small arms may consist of nitrocellulose or nitrocellulose combined with nitroglycerin. So-called smokeless powders which are composed of picrate or chlorate mixtures are classed as high explosives.

(Note not canceled.)

Amending order August 16, 1940, as follows (add):

75 EXPLOSIVE RIVETS

Explosive rivets each containing not more than 75 milligrams of explosive composition, are exempt from specification packaging and labeling requirements when packed in pasteboard or other inside boxes in securely closed strong wooden boxes, fiberboard boxes or metal containers. Each outside container must be marked "Explosive Rivets." No other restrictions apply.

Superseding and amending paragraphs (a) and (b), section 103, *Inflammable liquids, etc.*, order April 19, 1948, to read as follows:

(a) Inflammable liquids, except carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, lithium aluminum hydride (ethereal), nickel carbonyl, ethyl trichlorosilane and trichlorosilane, spirits of nitroglycerin in excess of one percent by weight, and zinc ethyl, in inside glass or earthenware containers having a capacity not over 1 pint or 16 ounces by weight each, or inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Inflammable liquids, except carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, lithium aluminum hydride (ethereal), nickel carbonyl, ethyl trichlorosilane and trichlorosilane, spirits of nitroglycerin in excess of one percent by weight, and zinc ethyl, in inside containers having a capacity not over 1 pint or 16 ounces by weight each, packed in strong outside containers, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Amending order August 16, 1940, as follows (add):

109A (a) Ethyl trichlorosilane and trichlorosilane must be packed in specification containers as follows:

(b) *Spec. 15A or 16B.* Wooden boxes with glass inside containers not over 1 quart capacity each securely closed and cushioned with incombustible absorbent material.

(c) *Spec. 5A.* Metal drums not over 55 gallons capacity not authorized for the shipment via rail express.

(d) *Spec. 5F.* Metal drums not over 11 gallons capacity not authorized for shipment via rail express.

(e) Specification cylinders as prescribed for any compressed gas, except acetylene.

Superseding and amending paragraphs (aa), (ff), and (xx), section 154, *No exemptions*, order August 16, 1940, to read as follows:

(aa) Potassium, metallic and potassium, metallic liquid alloy.

(ff) Sodium, metallic and sodium, metallic liquid alloy.

(Add) (xx) Sodium hydride.

Amending order August 16, 1940, as follows (add):

206A (a) Sodium hydride must be packed in specification containers as follows:

(b) In containers as prescribed in section 206 (a) (2) and (a) (3).

(c) *Spec. 17H.* Metal drums (single-trip).

(d) *Spec. 37D.* Metal drums (single trip) with welded side seams and hermetically sealed closure or closure made fast by positive pressure of the lid against a rubber gasket with edge of the led crimped over the lip of the drum and a protective metal ring fastened around the crimped edge, packed in strong outside wooden boxes.

Amending order August 16, 1940, as follows (add):

206B (a) Sodium and potassium, metallic liquid alloy must be packed in specification containers as follows:

(b) (1) *Spec. 15A or 15B.* Wooden boxes with inside metal containers of a type approved by the Bureau of Explosives cushioned with incombustible cushioning material. Each container must have been tested hydrostatically to a pressure of not less than 60 pounds per square inch. Closing devices must be protected from injury.

(b) (2) Not more than 250 pounds of sodium or potassium liquid alloy may be shipped in one outside container.

Amending section 245, *No exemptions*, order August 16, 1940, as follows (add):

(aa) Antimony pentafluoride.

Amending order August 16, 1940, as follows (add):

249A (a) Antimony pentafluoride must be commercially anhydrous and must be packed in specification containers as follows:

(b) *Spec. 3A1800, 3E1800, 3B240, 4B240, or 4BA240.* Cylinders closed by means of iron or steel threaded plugs.

Amending section 252, *Bromine*, order August 16, 1940, as follows (add):

(j) (1) Bromine which has been dried in accordance with good commercial practice may also be packed in specification containers as follows:

(j) (2) *Spec. 5K or 5M.* Nickel or monel drums of not over 10 gallons capacity each and containing not more than 225 pounds net weight of bromine. Drums must be of metal at least 14 gauge United States standard throughout and must have chime reinforcement adequate for their protection. All openings must be in one head and closing parts (plug, cap, flange, etc.) must be of the same metal as the drum. One opening not over 2.3 inch diameter and one opening not over ¾ inch standard pipe size are permitted. Each drum must be completely emptied and dried before reuse and must be equipped with gaskets of a material approved by the Bureau of Explosives.

Amending order August 16, 1940, as follows (add):

254B (a) Compounds, cleaning, liquid, containing not more than 60 percent hydrofluoric acid, must be packed in specification containers as follows:

(b) As prescribed in section 264 (c).

(c) *Spec. 12.* Fiberboard boxes with inside containers of India rubber, ceresine, lead, or other material of equal strength and not subject to destruction by the lading.

Amending section 260, *Electric storage batteries etc.*, order August 16, 1940, as follows (add):

(a) (5) Electric storage batteries weighing 500 pounds or more, with case of impregnated rubber, asphaltum composition, wooden battery box type, or steel case type, consisting of carriers' equipment may be shipped via rail freight when mounted on suitable skids and protected against short circuits. Such shipments must not be offered in interchange.

Amending section 261A, *Formic acid*, order August 16, 1940, as follows (add):

(h) *Spec. 17H.* Metal drums (single-trip) equipped with bag type liners of material and construction approved by the Bureau of Explosives. Each drum must have two diametrically opposite vent holes ¼ inch diameter in the side wall at each end in close proximity to the top curl and bottom chime. Interior of welded side seam must be covered or otherwise treated to provide a non-abrasive surface.

Superseding and amending paragraph (b) (4), section 266, *Hydrogen peroxide*, order February 24, 1947, to read as follows:

(b) (4) *Spec. 42D.* Aluminum drums with vented closure in top head; not over 55 gallons capacity. Closure must be sealed to prevent removal in transit and top head plainly marked "Keep this end up" or "Keep plug up to prevent spillage". Aluminum drums of not over 30 gallons capacity already in service for the transportation of this material, manufactured prior to April 24, 1934, and of at least equal strength and efficiency as drums of like capacity authorized under Spec. 42D, may be continued in use until further order of the Commission.

Superseding and amending paragraph (a), section 270, *Phosphorus tribromide, phosphorus trichloride etc.*, order August 16, 1940, to read as follows:

270 (a) Phosphorus tribromide, phosphorus trichloride, phosphorus oxychloride, and thiophosphoryl chloride must be packed in specification containers as follows:

Superseding and amending paragraph (a), section 271, *Phosphorus oxychloride, phosphorus trichloride*, order August 16, 1940, to read as follows:

271 (a) Phosphorus oxychloride, phosphorus trichloride and thiophosphoryl chloride may be shipped in specification containers as follows:

Superseding and amending paragraph (d), section 276, *Anhydrous hydrazine and hydrazine solution etc.*, order April 19, 1948, to read as follows:

(d) *Spec. 5A, 5, or 17E.* Metal drums which shall be of type 304 or 347 stainless steel.

Superseding and amending paragraph (k) table, section 303, *Restrictions for gases named in table*, order April 19, 1948, to read as follows:

Kind of gas	Maximum permitted filling density (see sec. 303 (h))	Cylinders* marked as shown in this column must be used except as provided in note 1 and sec. 303 (p) (2) to 303 (p) (6)
	Percent	
Dichlorodifluoromethane.	119	ICC-3A225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-9.
Methyl chloride (see note 4).	84	ICC-3A225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-3; ICC-4; ICC-25 ICC-26-300; ICC-38.
Sulfur dioxide	125	ICC-3A225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-3; ICC-4; ICC-25; ICC-26-150; ICC-38.

Superseding and amending paragraphs (p) (13) (a), (p) (13) (c) and (p) (13) (d), section 303, *Quinquennial retest of cylinders*, order August 16, 1940, to read as follows:

(p) (13) (a) *Quinquennial retest of cylinders.* Each cylinder, except as specifically exempted in section 303 (p) (14), must be subjected, at least once in five years, to a test by interior hydrostatic pressure in a water jacket, or other apparatus of suitable form, for the determination of the expansion of the cylinder. The test apparatus must be approved as to type and operation by the Bureau of Explosives. This periodic retest must include a visual internal and external examination except that, when it is known that the cylinder, chlorine cylinders excepted, has not been subjected to internal corrosion since the date of the previous test, the internal inspection may be omitted.

(p) (13) (c) In hydrostatic retesting of a cylinder the pressure must be maintained for at least 30 seconds and as much longer as may be necessary to secure complete expansion of the cylinder. The gage indicating the total expansion of the cylinder must be such that the total expansion can be read with an accuracy of 1 percent, except that a reading to 0.1 cubic centimeter shall be acceptable. The gage indicating the pressure must be capable of being read to within 1 percent of the test pressure. Any internal pressure applied previous to the test pressure shall not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower value.

(p) (13) (d) A cylinder must be condemned when it leaks, or when internal or external corrosion, denting, bulging, or evidence of rough usage exists to the extent that the cylinder is likely to be weakened appreciably or when the permanent expansion exceeds 10 percent of the total expansion. A cylinder condemned for excessive permanent expansion may be reheat-treated. (See section 303 (p) (12).)

Superseding and amending paragraph (p) (14) (n), section 303, *Exceptions* order April 18, 1947, to read as follows:

(p) (14) (n) Cylinders made in compliance with Specifications ICC-4B and ICC-26-300, used exclusively for dichlorodifluoromethane, difluoroethane, difluoromonochloroethane, monochlorodifluoromethane, monochlorotetrafluoroethane monochlorotrifluoroethylene, or mixtures thereof, or mixtures of one or more with trichloromonofluoromethane, or liquefied petroleum gas commercially free from corroding components, and protected externally by suitable corrosion resisting coatings, (such as galvanizing, painting, etc.), may be retested decennially instead of quinquennially, or, such cylinders may be subjected to an internal hydrostatic pressure equal to at least 2 times the marked service pressure without determination of expansions (See Note), but this type of test must be repeated quinquennially after expiration of the first ten-year period. When subjected to this latter test cylinders must be carefully examined under test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

NOTE: Cylinders tested by the modified hydrostatic method shall be marked after each retest with the date of test as otherwise required but followed by the symbol *S*; for example, 8-46*S* indicating retest by the modified method in August 1946.

Superseding and amending paragraph (q) (1) note 12, section 303, *Compressed gases in tank cars*, order August 22, 1945, to read as follows:

NOTE 12. Tanks complying with specification 106A500, containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See paragraph (b) (2), section 560, for rail freight-motor vehicle shipments.

Amending section 328, *Chlorpicrin and bromacetone*, order August 16, 1940, as follows (add):

(d) Chlorpicrin may also be packed in specification containers as follows:

(d) (1) *Spec. 12B.* One-piece corrugated fiberboard boxes at least 200-pound test with inside glass bottles or tubes, in hermetically sealed metal cans in individual unsealed one-piece corrugated fiberboard boxes Spec. 12B at least 200-pound test. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge U. S. standard. Total amount of liquid in outside box must not exceed 12 pounds.

(d) (2) *Spec. 12B.* One-piece corrugated fiberboard boxes at least 200-pound test with not more than one inside glass bottle or tube in a hermetically sealed metal can. Bottles must contain not over 1 pound of liquid, must be filled to not over 95 percent capacity, must be tightly and securely closed and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge U. S. standard.

Superseding and amending paragraph (a), section 329, *Chlorpicrin or mixtures of chlorpicrin with nonpoisonous liquid*, order June 24, 1944, to read as follows:

329 (a) Chlorpicrin or mixtures of chlorpicrin with nonpoisonous liquid, in addition to containers prescribed in section 328, when offered for transportation by carriers by rail freight, highway, or water may be shipped as follows:

Amending section 329, *Chlorpicrin or mixtures of chlorpicrin with noninflammable liquid*, order August 16, 1940, as follows (add):

(d) (1) *Spec. 12B.* One-piece corrugated fiberboard boxes at least 200-pound test with inside glass bottles or tubes, in hermetically sealed metal cans in individual unsealed one-piece corrugated fiberboard boxes Spec. 12B at least 200-pound test. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be

tightly and securely closed and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge U. S. standard. Total amount of liquid in outside box must not exceed 12 pounds.

(d) (2) *Spec. 12B.* One-piece corrugated fiberboard boxes at least 200-pound test with not more than one inside glass bottle or tube in a hermetically sealed metal can. Bottles must contain not over 1 pound of liquid, must be filled to not over 95 percent capacity, must be tightly and securely closed and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge U. S. standard.

Amending order August 16, 1940, as follows (add):

331A (a) (1) Hexaethyl tetraphosphate and tetraethyl pyrophosphate mixtures with compressed gas, containing not more than 10 per cent by weight of hexaethyl tetraphosphate or tetraethyl pyrophosphate must be packed in specification containers as follows:

(a) (2) *Spec. 3A300, 3B300, 4A300, 4B240, or 4BA240.* Metal cylinders, charged with not more than 5 pounds of the mixture and to a maximum filling density of 80 percent of the water capacity.

(a) (3) Cylinders must be packed in strong wooden boxes with valves or other closing devices protected from injury, with not more than twelve cylinders in one outside wooden box.

(a) (4) Cylinders must not be equipped with eduction tubes or fusible plugs. Valves must be of a type acceptable to the Bureau of Explosives.

Superseding and amending paragraph (a), section 338, *Poisonous liquids, class B,* order October 28, 1942, to read as follows:

338 (a) Poisonous liquids, class B, as defined in section 336, except aniline oil, hydrocyanic acid solutions, methyl bromide, motor fuel anti-knock compound, phenyldichlorarsine and tetraethyl lead, in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water are exempt from specification packaging, marking other than name of contents, and labeling requirements:

Superseding and amending paragraph (g), section 361, *Poisonous solids, as defined in section 350 etc.,* orders August 16, 1940, December 12, 1942, and February 10, 1943, to read as follows:

(g) *Spec. 12B or 12C.* Fiberboard boxes, with inside containers which must be: Metal cans not over 25 pounds capacity each; glass bottles not over 1 gallon capacity each; fiber cans or boxes, spec. 2G; sliding-top wooden boxes, lined to prevent sifting, not over 25 pounds capacity each; or paper bags, spec. 2D. Packages containing glass or earthenware containers must not weigh over 65 pounds gross nor contain more than 4 inside containers of over 5 pints capacity each. Outside containers must be not over 5,000 cubic inches capacity nor contain over 50 pounds net weight each, except as provided in paragraph 31 of spec. 12B.

TEST. The completed package prepared as for shipping must be capable of standing a drop of 4 feet to solid concrete without breakage of the container or any sifting of contents.

Superseding and amending paragraph (p), section 402, *Labels and marking,* order June 29, 1945, to read as follows:

(p) (1) Labels and marking name of contents are not required on carload or truckload quantities of dangerous articles by rail freight, rail express or highway, when such shipments are unloaded by the consignee or his duly authorized agent from the car or motor vehicle in which originally loaded.

(p) (2) (a) Except on class A, class C, or class D poisons, labels are not required on less-than-truckload shipments by motor vehicle by public highway when the articles are readily identifiable by reason of type of container or when the container is plainly marked to indicate its contents; and

(b) When the shipment is transported from origin to destination without transfer between vehicles; and

(c) When the shipper or its employes are in direct control or perform the loading, transporting and unloading.

Appendix to Part 3—Shipping Container Specifications (CFR 72)

Superseding and amending spec. 1D, order June 25, 1945, to read as follows:

Cancel heading "Tests" between paragraphs 9 (g) and 9 (h).

Add heading "Tests" between paragraphs 8 (a) and 9 (g).

Superseding and amending paragraph 8, spec. 3A, *Manufacture,* order March 29, 1944, to read as follows:

8. *Manufacture.* By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no fissure or other defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. If not originally free from such defects, the surface may be machined or otherwise treated to eliminate these defects. The thickness of the bottoms of cylinders welded or formed by spinning is, under no condition, to be less than two times the minimum wall thickness of the cylindrical shell; such bottom thicknesses to be measured within an area bounded by a line representing the points of contact between the cylinder and floor when the cylinder is in a vertical position.

Superseding and amending paragraph 17, spec. 3A, *Leakage test,* order July 24, 1944, to read as follows:

17. *Leakage test.* All spun cylinders and plugged cylinders (See Notes A and B) must be tested for leakage by gas or air pressure after the bottom has been cleaned and is free from all moisture. Pressure, approximately the same as but no less than service pressure, must be applied to one side of the finished bottom over an area of at least 1/16 of the total area of the bottom but not less than ¾ inch in diameter, including the closure, for at least one minute, during which time the other side of the bottom exposed to pressure must be covered with water and closely examined for indications of leakage. Leakers must be rejected. (See Note paragraph 18).

NOTE A: A spun cylinder is one in which an end closure in the finished cylinder has been welded by the spinning process.

NOTE B: A plugged cylinder is one in which a permanent closure in the bottom of a finished cylinder has been effected by a plug.

NOTE C: As a safety precaution, if the manufacturer elects to make this test before the hydrostatic test, he should design his apparatus so that the pressure is applied to the smallest area practicable, around the point of closure, and so as to use the smallest possible volume of air or gas.

Superseding and amending paragraph 18, spec. 3A, *Rejected cylinders, reheat treatment authorized,* order August 16, 1940, to read as follows:

18. Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding or spinning is not authorized.

NOTE: Spun cylinders rejected under the provisions of paragraph 17 may be removed from the spun cylinder category by drilling to remove defective material, tapping and plugging.

Superseding and amending paragraph 19 (c), spec. 3A, *Marking,* order August 16, 1940, to read as follows:

(c) Inspector's official mark near serial number; date of test (such as 5-37 for May 1937), so placed that dates of subsequent tests can be easily added; and word spun or plug near ICC mark when an end closure in the finished cylinder has been welded by the spinning process, or effected by plugging.

Superseding and amending paragraph 22, spec. 3A, *Additional type,* order April 19, 1948, to read as follows:

22. *Additional type.* Cylinders made of steel commercially known as 4130X, NE-8630, 9115, 9125, 9115X, 9125X, or intermediate manganese, with yield strength over 73 percent of tensile strength are also authorized when made in full compliance with the requirements of Specification 3AA.

Superseding and amending paragraph 23 (f) (3), spec. 4B, *Guided bend test,* order April 19, 1948, to read as follows:

(f) (3) *Guided bend test.* A bend test specimen shall be cut from the cylinder used for the physical tests specified in paragraph 15 (a). Specimen shall be taken across the seam, shall be 1½ inches wide, edges shall be parallel and rounded with a file, and back-up strip, if used, shall be removed by machining. The specimen shall be bent to refusal in the guided bend test jig shown in the drawing as an appendix attachment made part hereof. The root of the weld (inside surface of the cylinder) shall be located away from the ram of the jig. No specimen shall show a crack exceeding

⅛ inch in any direction upon completion of the test. Should this specimen fail to meet the requirements, two additional specimens from the same cylinder shall be tested, and if either of these fails to meet the requirements, the entire lot represented shall be rejected.

Amending order August 16, 1940, as follows:

SPECIFICATION 5M—MONEL DRUMS

REMOVABLE HEAD CONTAINERS NOT AUTHORIZED

Containers must comply with specification 5A except as follows (paragraph references are to specification 5A):

3. *Composition.* Material must be, except for rolling hoops and chime reinforcements, monel.

4. This paragraph does not apply.

6. *Chime reinforcement.* Containers to have chime reinforcement adequate for its protection.

7. *Parts and dimensions.* As follows:

Marked capacity, not over (gallons)	Type of container	Minimum thickness in the black (gage, U. S. standard)		Rolling hoops
		Body sheet	Head sheet	Type
10	St. side	14	14	None.

11. (a) *ICC-5M.* This mark shall be understood to certify that the container complies with all specification requirements.

13. *Type tests.* Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 12 months. Samples last tested to be retained until further tests are made. The type tests are as follows: (See spec. 5A.)

Superseding and amending paragraph 23 (b), spec. 23F, *Authorized gross weight*, order November 8, 1941, to read as follows:

23. (b) *Authorized gross weight.* 65 pounds when two or more lining tubes are used to divide the box into two or more compartments; 65 pounds when one or more lining tubes are used and contents will consist of one cartridge only or of black powder in bags; 35 pounds in all other cases except that boxes having a single solid fiberboard lining tube at least 0.120 inch thick are authorized for 65 pounds gross weight.

Superseding and amending paragraph 3 (f), spec. 50, *Manufacture*, order February 3, 1948, to read as follows:

3. (f) Manufacturer must render complete separate report for each tank (see paragraph 14) to purchaser and Bureau of Explosives.

Superseding and amending paragraph 13 (a), spec. 106A500, *Retests, alterations, and upkeep of tanks, safety valves, and vents*, order August 16, 1940, to read as follows:

13. *Retests, alterations, and upkeep of tanks, safety valves, and vents.* (a) Each tank must be subjected, at least once every five years, to the tests as prescribed in paragraphs ICC 11 (a), (b), (c), and (d). A tank must be condemned when it leaks or when the permanent expansion exceeds 10 percent of the total expansion. Report giving data showing the results of these tests must be rendered by party making tests to the owner of tank and to the Bureau of Explosives, and each tank passing the test must be marked with the date (month and year) plainly and permanently stamped into the metal of one head or chime. For example, 1-38 for January, 1938. Dates of previous tests must not be obliterated.

Part 4—Regulations Applying Particularly to Carriers by Rail Freight (CFR 80)

Superseding and amending heading, section 533, *Loading and storage chart of explosives and other dangerous articles*, order August 16, 1940, to read as follows:

533. *Loading and storage chart of explosives and other dangerous articles.* Explosives or other dangerous articles must not be loaded, transported or stored together, except as provided in the loading and storage chart of explosives and other dangerous articles shown in this section.

(No change in chart).

Amending section 543 *Placards are not required for*, order August 16, 1940, as follows (add):

(e) Cars loaded with electric storage batteries containing electrolyte or corrosive battery fluid in carload lots.

Superseding and amending paragraph (d), section 548, *Application of placards*, order February 3, 1948, to read as follows:

(d) Tacks when used must have heads at least ¼ inch across. At least 5 tacks must be used, one at each corner and one in the center of the placard, or when stapling devices are used the staples should be made of flat metal of not less than 19 gauge, and the space between the legs of the staples should be at least ⅜ inch and length of staples not less than ¼ inch. At least 9 staples must be used, one at each corner, one along edge between each corner, and one in center. Tacks, nails, staples, or other devices used in previous application of placards must be removed when their presence interferes with proper application of placards.

Superseding and amending section 549, *Explosives placard*, order February 3, 1948, to read as follows:

549 *Placards for dangerous explosives; Class A.* The "Explosives" placard must be of rectangular shape, measuring 11 by 14 inches, and must bear the wording as sh[illegible] in the following cut; the printing must be in red and black as follows:

EXPLOSIVES PLACARD

(Reduced size)

14 inches

11 inches

------------ R------------ Company

EXPLOSIVES
(To be printed in red)

HANDLE CAREFULLY

KEEP FIRE AWAY
(To be printed in red)

-------------- Station -------- 19---

Condensed Rules for Handling This Car

1. In switching this car in yards or on sidings have a non-placarded car between this car and engine.
2. This car must not be cut off while in motion.
3. Avoid all shocks to this car. Other cars must not be allowed to strike this car. Couple carefully.
4. When the explosives are unloaded this placard must be removed from car.

Superseding and amending paragraph (a) table 7th item, section 584, *Waybills, switching orders, or other billing*, order April 19, 1948, to read as follows:

—	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard indorsement must be ⅜" high and appear on the billing near the space provided for the car number
For corrosive liquids.	White label.	"Dangerous placard."	"Dangerous."

Superseding and amending paragraph (f) (2), section 589, *Position in train of cars containing explosives*, order February 3, 1948, to read as follows:

(f) (2) In a freight train or mixed train either standing or during transportation thereof, a car placarded "Explosives" must not be handled next to:

1. Occupied passenger car, other than gas handlers accompanying shipment.
2. Occupied combination car, other than gas handlers accompanying shipment.
3. Car placarded "Dangerous."
4. Engine.
5. Car placarded "Poison Gas."
6. Wooden under-frame car (except on narrow gauge railroads).
7. Loaded flat car.
8. Open-top car when any of the lading extends or protrudes above or beyond the ends or sides thereof.
9. Car equipped with automatic refrigeration of the gas-burning type.
10. Car containing lighted heaters, stoves, or lanterns.
11. Car loaded with live animals or fowl; occupied by an attendant.
12. Occupied caboose (except as permitted in section 589 (i) (1).

Superseding and amending paragraph (g) (2), section 589, *Position in train of loaded placarded tank cars*, order October 27, 1947, to read as follows:

(g) (2) In a freight train or mixed train either standing or during transpor-

tation thereof, a placarded loaded tank car must not be handled next to:

1. Occupied passenger car, other than gas handlers accompanying shipment.
2. Occupied combination car, other than gas handlers accompanying shipment.
3. Any car placarded "Explosives".
4. Engine (Except when train consists only of placarded loaded tank cars).
5. Any car placarded "Poison Gas".
6. Wooden under-frame car (except on narrow gauge railroads).
7. Loaded flat cars.
8. Open-top car when any of the lading extends or protrudes above or beyond the ends or sides thereof.
9. Car equipped with automatic refrigeration of the gas-burning type.
10. Car containing lighted heaters, stoves, or lanterns.
11. Car loaded with live animals or fowl, occupied by an attendant.
12. Occupied caboose (Except when train consists only of placarded loaded cars).

Superseding and amending paragraph (a), section 590, *Record of change of seals of cars of explosives to be made,* order October 27, 1947, to read as follows:

(a) When a car seal is changed on a car placarded "Explosives" while en route or before delivery to a consignee, a record must be made showing the following information:

Railroad	Place	Date

Car initials	Car number

Number or description of seal broken _____
Number or description of seal used to reseal car _____
Reason for opening car _____
Condition of load _____
Name and occupation of person opening car _____
This record shall be shown on or attached to waybill or other form or memorandum which shall accompany car to destination.

Superseding and amending paragraph (c), section 597, *Leakage of dangerous articles,* order October 27, 1947, to read as follows:

(c) Leakage of dangerous articles is often accompanied by odors characteristic of the articles, and all available opportunities for noting such odors must be utilized in order that the source of leakage may be discovered and the leakage stopped, or the leaking package removed from the car, or the contents of tank cars transferred. If artificial light is necessary, only electric lights should be used. Leaking tank cars containing compressed gases should be switched to a location distant from habitation and highways and proper action taken for transferring contents under competent supervision.

Part 7—Regulations Applying to Shipments Made by Way of Common, Contract or Private Carriers by Public Highway (CFR 85)

Superseding and amending paragraph (b), section 815, *Labels,* order November 8, 1941, to read as follows:

(b) (1) Labels and marking name of contents are not required on carload or truckload quantities of dangerous articles by rail freight, rail express or highway, when such shipments are unloaded by the consignee or his duly authorized agent from the car or motor vehicle in which originally loaded.

(b) (2) (a) Except on class A, class C, or class D poisons, labels are not required on less-than-truckload shipments by motor vehicle by public highway when the articles are readily identifiable by reason of type of container or when the container is plainly marked to indicate its contents; and

(b) When the shipment is transported from origin to destination without transfer between vehicles; and

(c) When the shipper or its employes are in direct control or perform the loading, transporting and unloading.

Superseding and amending paragraph (g) (3), section 824, *Compressed gases,* order August 22, 1945, to read as follows:

(g) (3) Tanks complying with specification 106A500, containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, or difluoromonochloroethane may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See paragraph (b) (2), section 560, for rail freight-motor vehicle shipments.

Superseding and amending heading, section 825, *Loading and storage chart of explosives and other dangerous articles,* order November 8, 1941, to read as follows:

825. *Loading and storage chart of explosives and other dangerous articles.* Explosives or other dangerous articles must not be loaded, transported or stored together, except as provided in the Loading and Storage Chart of Explosives and Other Dangerous Articles shown in this section.

(No change in chart.)

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after October 20, 1948, and shall be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after date of service hereof;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176, 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-7032; Filed, Aug. 3, 1948; 9:01 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Ch IX]

[Docket No. AO-190]

HANDLING OF IRISH POTATOES GROWN IN MAINE

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the State of Maine, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1846, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and marketing order were formulated, was held at Presque Isle, Maine on April 26-29, 1948, pursuant to notice thereof, which notice contained a proposed marketing agreement and order sponsored by the growers and shippers of Irish potatoes in the

State of Maine, as represented by officials of the Aroostook County Farm Bureau, The Potato Industry Council of Maine, Inc., and the Maine Institute of Potato Starch Manufacturers, Inc., which was published in the FEDERAL REGISTER (13 F. R. 1831).

The material issues presented on the record of the hearing were:

(1) The desirability of and economic justification for entering into a marketing agreement and for issuing a marketing order regulating the handling of Irish potatoes grown in the State of Maine production area.

(2) The need for definitions and the specific necessity for and the equitable scope of definitions for Secretary, act, person, production area, potatoes, handler, ship or handle, producer, fiscal year, committee, varieties, seed potatoes, table stock potatoes, wholesale pack, consumer pack, grade, size, export, and district.

(3) The necessity for administering the marketing agreement and order through an administrative committee to be called the State of Maine Potato Committee and the equitable nature of provisions pertaining to its (a) establishment and membership, (b) term of office, (c) selection, (d) nomination, (e) failure to nominate, (f) acceptance, (g) vacancies, (h) alternate members, (i) procedure, (j) expenses and compensation, (k) powers, and (l) duties.

(4) The necessity for the State of Maine Potato Committee to incur expenses essential for its operation and the necessity for levying assessments in an equitable manner against shipments of potatoes through handlers to defray such expenses; the necessity for the Secretary to fix the rate of assessment to be paid by such handlers; the necessity to authorize the Secretary to change the rate of assessment at any time during a fiscal year in order to secure sufficient funds to cover expenses necessarily incurred in its operation; the necessity for the committee to account for revenues collected through assessments and the equitable scope of requirements that the committee shall credit refunds, when assessments collected are in excess of expenses incurred, to accounts of handlers upon the basis of their contributions thereto or, in the event handlers so request, the committee shall pay such refunds to requesting handlers; the desirability and necessity of accounting for and distributing unclaimed funds to appropriate agencies serving the potato industry in the production area; the necessity for authorizing the committee, with the approval of the Secretary, to sue handlers for collection of assessments; the necessity for requiring the committee and its members to account for all receipts and disbursements; and foregoing manner so that members of the committee to account for and be responsible for all property and funds of the committee which may be in their possession.

(5) The necessity and economic justification for regulating shipments of potatoes grown in the State of Maine production area and the necessity for and equitable nature of provisions requiring that: (a) The State of Maine Potato Committee, at the beginning of each marketing season, shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during the ensuing marketing year and the necessity for notifying the Secretary and the Maine potato industry of the contents of such reports or of any changes therein which may be necessitated by later developments, consideration, and findings; (b) the committee shall investigate the supply and demand for potatoes by grade, size, and quality of all varieties thereof, and whenever the committee finds that such conditions make it advisable to regulate the shipment of particular grades and sizes, or to establish minimum standards of quality, of any or all varieties, in any or all portions of the production area, during any period, it shall recommend to the Secretary the particular grades and sizes, or minimum standards of quality, of any or all varieties of potatoes which should be regulated in any or all portions of the production area during any period, and whenever the committee considers it desirable to do so it may recommend that seed potatoes should be regulated either in the same manner or in a different manner than table stock potatoes, and whenever the committee finds that such conditions make it desirable to do so, it may recommend that any specific regulation may be made applicable to wholesale packs, or to consumer packs, or that different regulations may be made applicable to wholesale packs, or to consumer packs: *Provided*, That minimum standards of quality shall be identical for all types of packs; (c) the committee shall give due consideration to certain factors, such as prices, supply within the production area and competing supplies, and the general level of consumer income, in determining the grades, sizes, or minimum standards of quality, to be shipped; (d) the Secretary shall limit, when prices are at or below parity, the shipment of potatoes from the production area whenever he finds, from the recommendations and data submitted by the committee or from other information, that to do so would tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and, upon the same basis, the Secretary shall limit, when prices are above parity, the shipment of potatoes from the production area to minimum standards of quality whenever he finds that to do so would tend to effectuate the declared purposes of the act and that it would be in the public interest; (e) whenever shipments are regulated each handler who first ships potatoes shall procure inspection and certification of such shipments by an authorized representative of the Federal-State Inspection Service, and such handlers shall make arrangements to have a copy of such certificates forwarded to the committee; (f) certificates of exemption for producers and for handlers may be provided, through appropriate procedural rules, whereby any producer who is unable to ship as large a proportion of his potatoes, by reason of a regulation, as the average of producers in his immediate production area, and any handler who is unable to ship, by reason of a regulation, as large a proportion of his storage holdings of ungraded potatoes, which were acquired by him during or immediately following the digging season, as other handlers in his immediate shipping area shipped or are able to ship of their ungraded storage holdings; appeals from the action of the committee in handling applications for exemptions are allowed, subject to the right of the Secretary to modify, change, alter, or rescind any procedural rules or any exemptions granted pursuant thereto; records shall be maintained by the committee and a weekly report furnished to the Secretary showing the applications for exemptions received, exemptions granted, exemptions denied, and shipments made under exemption.

(6) The necessity for the regulation of surplus potatoes and the necessity for and the equitable nature of provisions providing that (a) the State of Maine Potato Committee, whenever it finds that a surplus of potatoes exists, shall determine the extent of such surplus and recommend to the Secretary the control and disposition of such surplus, and (b) whenever the Secretary finds from recommendations and information supplied by the committee or from other information that the control and disposition of surplus will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination and control among producers and handlers, and (c) the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposition of surplus potatoes, and (d) the Secretary may designate the committee to assist in carrying out any program of surplus regulation.

(7) The necessity for permitting the limitation of the application of grade and size regulations to certain specified shipments of potatoes, such as seed potatoes, potatoes shipped for consumption by charitable institutions or for distribution by relief agencies, potatoes shipped for distribution by the Federal government, potatoes shipped for export, potatoes shipped for livestock feed and for other specified purposes, potatoes shipped for manufacturing or conversion into by-products, or potatoes shipped for the purpose of having such potatoes graded, stored, or loaded, and whether limitation aforesaid, should be based upon a direct prohibition in the marketing agreement and the order or whether such limitation should be based upon recommendations of the committee and the approval of the Secretary; the necessity for the Committee, with the approval of the Secretary, to be authorized, to establish minimum quantities for any or all portions of the area below which shipments of potatoes will be free from regulation; the necessity for the Secretary to give prompt notice to the committee of any modification, suspension, or termination of regulations or approvals under the aforesaid provisions; the necessity that the committee may prescribe adequate safeguards to prevent the diversion of any of the aforesaid

potato shipments into other trade channels; that such safeguards may include a requirement that handlers or shippers of such potatoes shall file applications to ship pursuant to the provisions of this section with the committee, that the committee may require a Federal-State inspection on such shipments and the payment of a pro rata share of the expenses of its operations, and that the committee may require Certificates of Privilege for shipments of potatoes effected or to be effected under the terms of this section; the necessity for the committee to make weekly reports to the Secretary upon its operation under this section, which shall show the number of certificates applied for, the number of applications denied and certificates granted, the volume of potatoes covered by such applications, the volume of potatoes shipped under duly authorized certificates, and such other information as the Secretary may request; and the necessity for the Secretary to have the right to modify, change, alter, or rescind any safeguards prescribed or any of the aforesaid certificates issued by the committee.

(8) The necessity for and equitable nature of the provisions of section 7 through 20, inclusive, as published in the FEDERAL REGISTER on April 3, 1948 (13 F. R. 1831), which are common to marketing agreements and orders, and which sections provide for Reports, Compliance, Right of the Secretary, Effective Time and Termination, Effect of Termination or Amendment, Duration of Immunities, Agents, Derogation, Personal Liability, Separability, Amendments, Counterparts, Additional Parties, and Order with Marketing Agreement.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(a) Certain terms, applying to specific individuals, agencies, legislation, concepts, or things, are used throughout the proposed marketing agreement and order. These terms should be defined for the purpose of specifically designating their applicability and establishing appropriate limitations to their meaning wherever they are used in the proposal and to preclude the burdensome necessity of redefining them when they are later used in the proposed marketing agreement and order. These definitions are necessary to the operation of the marketing agreement and order and for the effectuation of the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter called act). The definitions of Secretary, act, persons, potatoes, fiscal year, and varieties, as set forth in the notice of hearing, were not in controversy at the hearing and are similar to or identical with definitions used in other similar marketing agreements and orders. Evidence at the hearing shows that these definitions are self-evident, due to their sources, or they are commonly accepted by growers, shippers, and other interested parties in the potato industry of the State of Maine. The above terms should be defined as set forth in the notice of hearing.

(b) A definition of "production area" is incorporated in the marketing agreement and order for the general purposes set forth in paragraph (a) above, and to delineate the area in which the handling of potatoes is to be regulated. Production area should be defined to include the entire State of Maine. Acreage is concentrated in Aroostook County but production and marketing practices in the other 15 counties are similar to those in Aroostook. Although production outside of Aroostook County in the State of Maine comprises only about 10 percent of the total production in the State, it amounts to 5 or 6 million bushels each year. Potatoes from all sections of the State are shipped to the same markets during the same seasons. Grading and quality standards for commercial sales are the same throughout the State. State of Maine grades have been established which may be used by any shipper within the State. Advertising and promotional programs are carried on by State agencies for the benefit of all potato producers in Maine. Natural geographic boundaries favor the establishment of the production area as defined. International lines and the Atlantic Ocean bound the State on three sides and the State of New Hampshire is on the fourth. The State boundaries do not bisect a potato production area and enforcement of regulations is favored by the fact that the only overland outlet for potatoes is limited to a few roads and railroads in the southeast corner of the State. There is no reasonable method or basis of dividing the State into two or more production areas for purposes of a marketing agreement and order. All territory included within the boundaries of the State of Maine constitutes the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the production area therefore should be defined as set forth in the notice of hearing.

(c) A definition of "producer" is incorporated in the marketing agreement and order for the general purposes set forth in paragraph (a) above. Any person engaged in the production of potatoes for market should be regarded as a producer. This includes not only the man who owns and operates a farm and produces a crop for himself but also those individuals who may have an interest in the operation by reason of a partnership, share cropping or some similar arrangement. The definition should be linked with a person's act of actually taking a part of the crop as his share of the activity. Persons who technically acquire ownership of the crop simply by reason of a chattel or crop mortgage, or comparable instruments, in connection with financial arrangements and who are repaid in cash and not by delivery of potatoes are excluded from the definition. Producer should be defined therefore as hereinafter set forth.

(d) A definition of "handler" is incorporated in the marketing agreement and order for the general purposes set forth in paragraph (a) above, and because the burden of regulation falls on handlers. It should include terminology bringing all persons shipping potatoes in fresh form, except persons acting merely as transporting agents of handlers, within the ambit of the definition. Such exception in the production area should be limited to contract and common carriers because they perform such transportation function at either a "flat job rate" or on the basis of a "rate per ton-mile" and neither of such carriers have a proprietary interest in the commodity moved. The definition should be linked with shipments of potatoes because the program is predicated on the regulation of shipments in interstate or foreign commerce, or shipment directly burdening, obstructing, or affecting such commerce. Producers who ship potatoes of their own production are handlers under the definition because they have a proprietary interest in the commodity moved and because they are performing a marketing function in effecting such shipments. It is a common and usual practice in marketing potatoes in this production area for more than one person to participate in the function of handling an individual shipment of potatoes. For example, one person frequently grades and loads potatoes for shipment, then such person passes title and possession at shipping point to a sales agency for shipment. The loader who uses the sales agency's services is responsible for the quality of such potatoes to destination and still has a proprietary interest in the potatoes in transit, even though title is transferred to the sales agency at shipping point. Both persons engaged in a transaction of this nature are handlers since both are jointly responsible for placing the shipment in the current of commerce. In the case of truck sales, it is the usual practice in the production area for the seller at his place of business, to grade and sack the potatoes with his own equipment or with equipment provided by the trucker. Although the trucker assumes title at shipping point (when loaded on truck at the seller's place of business) and transports the potatoes, the seller has participated in several of the functions that should fall within the definition of handler and both persons should be jointly responsible as handlers. Handler should be defined therefore as set forth in the notice of hearing.

(e) A definition of "ship" or "handle" is incorporated in the marketing agreement an order for the general purposes set forth in paragraph (a) above, and to indicate the activity of handlers which will be regulated. Evidence shows that most shipments of potatoes are destined for markets outside the State. Furthermore, some shipments of potatoes to destinations or markets within the State directly burden, obstruct or affect interstate commerce in that they displace shipments from outside the State which would otherwise supply such markets. In addition, evidence shows that it is a common and usual practice in the production area to bill shipments for certain destinations within the State and then to divert the car in transit to some market outside the State. However, certain transactions within the immediate areas of production do not

burden, obstruct or affect interstate or foreign commerce. For example, in Arroostook County and in the immediately adjacent area in Penobscot County, sales for use within the area consist primarily of transactions between producers and between handlers for seed. Other local sales are for the purpose of assembling lots for shipment, small quantities for consumption, and delivery of low grades to starch and alcohol plants within the area. These local transactions frequently are on an ungraded bulk basis, are made in smaller units than are commercial shipments, and do not affect shipments of potatoes in interstate or foreign commerce. It would create a hardship on some individuals to establish grade and size regulations for trade between farmers and it would be impractical to attempt to enforce such regulations. However, intrastate movement of potatoes outside the immediate production area of Aroostook County and Northern Penobscot County differs distinctly from the normal transactions within that area. Shipments from that area to down-State markets are in carlots or large trucklots, are often diverted to markets outside of Maine so that ultimate destination of such shipments is not known until after shipment has been completed, and such shipments displace shipments from other production areas which otherwise would supply the cities of Central and Southern Maine. Intrastate movement of this type directly burdens, obstructs, or affects interstate or foreign commerce. It would be practical and feasible to regulate such shipments because usual commercial grading practices are followed in connection therewith. Intrastate movement in the rest of Maine, defined as District 4 in the marketing agreement and order hereinafter set forth, differs, in some respects, from the normal local sales within the other Districts. Transactions between producers and between dealers in District 4 are similar to those described above for the Aroostook County area. However, a different type of transaction is represented by small farmers who sell small lots of potatoes in nearby cities and towns either to retailers or by door-to-door peddling. Many of these producers do not have grading equipment available and do not make a practice of grading in accordance with established commercial standards. Such transactions, primarily because of their small size and manner of sale, would be impractical to regulate and differ materially from the regular commercial movement in carlot quantities into markets within and outside the State.

These small local shipments in District 4 do not directly burden, obstruct or affect interstate commerce. Under such circumstances, it is hereby found and concluded that regulations should be applicable to all shipments in interstate or foreign commerce and to all shipments directly burdening, obstructing or affecting such commerce and that the application of such regulation to intrastate shipments should be required when such shipments directly burden, obstruct or affect interstate or foreign commerce. Ship or handle should be defined therefore as hereinafter set forth.

(f) A definition of "committee" is incorporated in the marketing agreement and order for the general purposes set forth in paragraph (a) above, and to identify the administative body which acts as agent of the Secretary in the operation of the marketing agreement and order. This administrative committee shall be named "State of Maine Potato Committee". Such committees are authorized by the act and they are necessary and incidental to operation of the marketing agreement and order. Committee should be defined therefore as set forth in the notice of hearing.

(g) Definitions of "seed potatoes" and "table stock potatoes" are incorporated in the marketing agreement and order for the general purposes set forth in paragraph (a) above, and because the marketing agreement and order authorizes regulation, under certain circumstances, differently for each. Seed potatoes achieve their identity in Maine upon being officially certified, tagged, marked or otherwise appropriately identified by an authorized representative of the Division of Plant Industry of the Department of Agriculture of the State of Maine, or its legal successors. The definition of seed potatoes in the marketing agreement and order should be as set forth in the notice of hearing. The definition of table stock potatoes should be incorporated in the marketing agreement and order as hereinafer set forth to include all potatoes not covered by the definition of seed potatoes.

(h) Definitions of "wholesale pack" and "consumer pack" are incorporated in the marketing agreement and order for the general purposes set forth in paragraph (a) above, and because the marketing agreement and order authorizes regulation, under certain circumstances, differently for each. The definition of consumer pack should be linked with the type of container which is prepared at the shipping point for ultimate sale by the retailer to the consumer in the original container. The definition of wholesale pack should be linked with the larger containers which are normally dumped into bins at the retail store. At present, consumer packs commonly in use by the Maine potato industry consist of 5, 10, and 15 pound bags while wholesale packs consist of 50 and 100 pound bags. The demarcation between consumer and wholesale packs should be drawn at a certain specific weight rather than by naming the individual containers, which should fall into each category. The possibility of minor variations in the net weight of the potatoes packed in a container and the possibility of the introduction of new-sized bags render the latter approach impractical. Therefore, the dividing line between wholesale and retail packs is established at containers holding 50 pounds net weight of potatoes since containers of that size or greater normally are re-bagged prior to sale of the potatoes to consumers. There is a top-quality "Chef's Special" pack of 50 pounds in Maine for sale primarily to hotels and restaurants, which sometimes is called a consumer pack by some of the shippers in Maine. However, this pack comprises only a small percentage of the total shipments of potatoes in that size of container and evidence in the record shows that in general a 50 pound pack should be considered as a wholesale container.

The classification of the pack should be dependent upon the weight of the smallest unit contained therein and not upon the total net weight of the master container which may be used to facilitate handling in shipment. Wholesale pack and consumer pack should be defined therefore as hereinafter set forth.

(i) A definition of "grade" and "size" is incorporated in the marketing agreement and order for the general purposes set forth in paragraph (a) above, and in order to permit all individuals affected by the marketing agreement and order to determine with specificity the requirements thereof and to interpret specifically and intelligibly regulations issued pursuant thereto. Grade and size, the essential terms in which regulations are issued, should be defined as comprehending the equivalent of the meanings assigned to these same terms as set forth in:

(1) The United States Standards for Potatoes issued by the Department of Agriculture September 10, 1941, effective June 1, 1942 (12 F. R. 3651), or amendments thereto, or modifications thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture November 3, 1947, effective December 8, 1947 (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(3) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture on November 26, 1935 or amendments thereto, or modifications thereof, or variations based thereon.

The same grading factors are used in all three standards. Official inspectors in grading State of Maine potatoes use each of these three standards. They will, upon request of any handler certify as to the grade of any shipment in terms of any one of these standards. It is desirable therefore to include the three standards so that regulations may be issued in the terms of any one of the standards in order to facilitate issuance of clear-cut regulations and to provide for utilization of terminology and definitions in common usage by the Maine potato industry. Such definitions will on the basis of "amendments thereto", include amendments to the standards which may have been made or may hereafter be made pursuant to the laws under which the standards are promulgated, either by changes in the connotation of certain concepts therein used, or by the addition of grade factors not now used in grade determination, or other amendments. These definitions will, on the basis of "modifications thereof" or "variations based thereon", permit such modifications in or variations from the Standards as may be recommended by the committee and approved by the Secretary, such as, for example increasing or decreasing tolerances for internal discol-

oration, or other grade defects or adjusting the size classifications, or such other adjustments as may be deemed advisable for the purposes of sections 4, 5, and 6 of the marketing agreement and order. Grade and size should be defined therefore as hereinafter set forth.

(j) A definition of "export" is incorporated in the marketing agreement and order for the general purposes set forth in paragraph (a) above, and because the marketing agreement and order authorizes regulation differently for export shipments of potatoes than for domestic shipments of potatoes. The definition of export should be made applicable to shipments of potatoes outside the continental boundaries of the United States, including shipments to possessions of the United States. Export should be defined therefore as hereinafter set forth.

(k) A definition of "district" is incorporated in the marketing agreement and order for the general purposes set forth in paragraph (a) above, and to delineate the geographical divisions for purposes of election of nominees for membership on the committee. The districts established correspond with natural geographic or economic divisions commonly used in Maine for determining membership on potato groups and for economic studies. The production and marketing problems of producers within each of the established districts are similar and the territory included in each is homogenous. The definition of Districts No. 3 and No. 4 as given in the notice of hearing, should be revised to transfer Township 2, Range 6 (commonly known as Davidson) from District No. 4 to District No. 3. This township is contiguous to the other townships included in District No. 3 and is normally considered as part of that District. District should be defined therefore as hereinafter set forth.

(l) The record of hearing shows that the marketing agreement and order regulating the handling of potatoes grown in the State of Maine, as hereinafter set forth, should provide for the selection by the Secretary of Agriculture of an administrative committee, called the State of Maine Potato Committee, and that such committee's powers and duties should be defined in the marketing agreement and order. The record also shows that the State of Maine Potato Committee, consisting of 8 members, of whom 5 will be producers and 3 will be handlers, is the agency which should be selected by the Secretary of Agriculture pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and that its powers and duties should be defined as hereinafter set forth. An alternate should be selected for each member of such committee in order to provide continuity of committee operation in case of vacancies among members. Eight committee members, consisting of 5 producers and of 3 handlers, will provide adequate and fair representation of producers and handlers both on a geographic and a production basis.

Evidence shows that any person selected as a committee member or alternate to represent producers should be a producer of potatoes in the district he is selected to represent, or that he should be an officer or an employee of a corporate producer in such district, and that such person should be a resident of the district for which he is selected. Also, persons selected as members or alternates to represent handlers should be handlers in the State of Maine, or an officer or employee of corporate handlers in said State, and that such persons should be residents of the State of Maine. Such a provision requiring that persons selected on the aforesaid committee should be residents of the State of Maine is desirable because such a qualifying factor should enable such members or alternates to present accurate and complete information and will provide equitable representation of all portions of the production area.

The term of office of members and alternates of the committee, except for initial members, should be on the basis of fiscal periods, i. e., beginning on the first day of July and continuing until the end of the then current fiscal year which means continuing until and including the following June 30. Committee members and alternates should serve for the fiscal period aforesaid, if qualified, or during that portion thereof beginning on the date on which they qualify and continuing until the end of the then current fiscal period and until their successors are selected and have qualified. If any person should be selected as a Committee member or alternate during the course of a term or serve for the remainder of such term of office, such person should serve during that portion of the term for which he qualifies and until his successor is selected and has qualified. It is necessary that Committee members and alternates should continue to serve in their respective capacities until their successors are selected and qualified, even though such date is beyond the end of the terms for which they were originally selected, because there should be no break in the operation of a committee because of lack of committee members. This provision bridges the gap between the end of any term and the time when new selections may be made.

The selection of committee members and alternates should be made by the Secretary of Agriculture from among producers of potatoes in the production area to represent producers and from among handlers of potatoes grown in the production area to represent handlers. The selections should be made in the foregoing manner so that members of the committee will be producers and handlers who, by reasons of their occupation, will be familiar with production and marketing problems involved in the handling of potatoes grown in the State of Maine. Committee representation should require two producer members from District number 2, as defined in the marketing agreement and order hereinafter set forth, and one producer member from each of the other three districts in the State of Maine in order to provide adequate and equitable representation of growers on the committee upon a geographic and production basis. Representation on the basis herein indicated will assure all growers in each of the districts that their particular production and marketing problems will be brought to the attention of the committee and, through the committee, to the Secretary for appropriate consideration and evaluation in connection with the issuance of any regulation pursuant hereto. Committee representation should also require three handler members from the State at large. Selection of handlers should be from the State at large rather than by districts for a large number of handlers operate in more than one district and, in addition, the nature of a handler's operation is such that it is not directly identifiable with a given district in the proposal as closely as is the interest of a producer. Selection of handlers should be upon a state rather than a district basis, and such basis for selection provides a fair and equitable cross section of handler experience which can be made available to the committee in carrying out its powers and duties. An alternate should be selected for each member in order to provide greater assurance that there will be on all occasions, appropriate representation on the committee from each district and from the state at large.

Evidence shows that procedures should be established whereby qualified persons may be selected by the Secretary as committee members and alternates on the basis of nominations for such positions which have been presented to the Secretary by respective groups of producers meeting in each district and by handlers meeting as a group within the State. Such procedure will assure the Secretary that the names of appropriate prospective committee members and alternates are brought to his attention and such procedure will also assure producers in each district within the production area of having a voice in presenting for the Secretary's consideration prospective committee members and alternates who are familiar with production and marketing problems within their respective districts. The nomination of prospective committee members and alternates by producers at meetings within their respective districts and by handlers within the State of Maine is a practical means of providing the Secretary with nominees whose qualifications have been reviewed by and acted upon by producers or handlers within the production area.

The record of hearing shows that it is desirable and necessary that the Secretary should be authorized to select initial committee members and their alternates from nominations which may be made by producers for producer members and from nominations by handlers for handler members, and that it is a practical and necessary provision that such nominations for initial committee members may be by virtue of elections by groups of producers and by groups of handlers. The presentation of nominees to the Secretary from among whom he may select the initial committee members and alternates presents a special problem. In so much as the State of Maine Potato Committee does not exist prior to the selection by the Secretary of the initial committee members, the procedure outlined in the marketing agreement and

order hereinafter set forth for the election of committee nominees in subsequent years obviously cannot be followed. The procedure for presenting nominees for the initial committee is adequate under the circumstances for nominees may be presented by representative groups of producers and handlers operating in the area.

Evidence shows that it is desirable and necessary, and that it is administratively feasible, that the State of Maine Potato Committee should be authorized to carry out the provisions of the marketing agreement and order, hereinafter set forth, in so far as providing nominations for succeeding committee members and alternates. In carrying out its duties and responsibilities with respect to nominations for succeeding committee members and alternates, the committee should be authorized to hold, or cause to be held, a meeting or meetings of producers in each of the districts defined in section 1 (r) of the marketing agreement and order, and such authority and responsibility should be established in like manner with respect to calling a meeting or meetings of handlers in the production area for the purpose of providing nominations of handlers for succeeding committee members and alternates.

The record of hearing shows that the committee may use the services of existing agencies or organizations in arranging for such meetings of producers or of handlers for the purpose of nominating committee members and alternates. Such agencies include those now operating, or hereafter operating, in the State of Maine for the purpose of assisting potato producers with their production and marketing problems. Such agencies should include those public or private agencies serving potato producers and handlers in the State of Maine. Such services should include, but should not be limited to, furnishing of space for meetings, assistance with sending notices of such meetings, arranging for publicity in connection with such meetings, and such other administrative matters as the committee deems appropriate and desirable.

The record of hearing shows that at least two nominees should be designated for each position as member and for each position as alternate member on the committee so that the Secretary shall have a choice between or among nominees in making his selection. The manner and form of supplying nominee lists to the Secretary should be prescribed by the Secretary in order that there may be administrative uniformity in handling such matters and such nominations should be presented to the Secretary at least thirty days prior to the end of each fiscal year so that selections of committee members and alternates for the term of office immediately subsequent thereto may be made prior to the beginning of such term of office. Such a requirement is administratively necessary in order to provide continuous operation of the committee.

Evidence shows that only producers should participate in designating nominees for producer committee members and their alternates and only handlers should participate in designating nominees for handler committee members and their alternates, and that any person who is both a producer and a handler may vote either as a handler or as a producer, but not as both, and such person may elect the group in which he votes. Such persons may wish to vote with the producer or the handler group in which their major interest lies and such determination should be by election of the individual voter. Voters for producer committee members and alternates should be limited to producers so that such nominees for producer committee members and alternates will reflect the viewpoint of persons whose primary interest in the potato industry is in the capacity of producers, and voters for handler committee members and alternates should be limited to handlers for similar reasons.

A producer should be limited to only one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives, in designating nominees for committee members and alternates regardless of the number of districts in which he produces, so that the producer who operates in more than one district will not have an advantage in nominating committee members or alternates over the person who may operate in only one district. In restricting persons to voting for producer members to one district only, such person should be allowed to elect the district in which he shall vote for nominees for committee members and alternates in order that he may cast his ballot for such nominees where he believes his main interest lies. The record of hearing shows each handler should be allowed only one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives in designating nominees for committee members or alternates. Evidence shows that each person voting in an election for nominees for committee members and alternates should be allowed to cast one vote for each position as a committe member and for each position as an alternate to be filled in the respective district in which such person elects to vote.

If nominations for committee members and alternates are not supplied to the Secretary at least 30 days prior to the end of a fiscal year for the ensuing fiscal year, the Secretary should be allowed to select committee members and alternates without regard to nominations and such selections should be on the basis of the aforesaid representation. Such provision is necessary in the marketing agreement and order so that the Secretary shall not be forestalled in selecting committee members and alternates who will provide current representation on the committee upon the same basis of representation as if nominations had been made in the manner normally provided for the committee to follow. Such provision assures the Secretary of having a competent agency at all times to administer the marketing agreement and order.

Any person who is selected by the Secretary as a committee member or alternate should qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection so that the Secretary shall know if each selectee is willing to and intends to serve in the capacity for which he is chosen. The ten-day period so provided constitutes a reasonable period for qualification and will not unduly retard composition of a qualified committee.

Authority to fill any committee vacancy should be retained by the Secretary in order to maintain continuity of operation which is necessary and incidental to the administration of the marketing agreement and order and for the effectuation of the declared purposes of the act. It is also necessary that the Secretary should be allowed to fulfill such authority by selecting persons to fill any such vacancy or vacancies from nominations made in the usual manner provided for annual presentation of nominees for committee members or alternates.

The method of electing nominees prior to the end of each year, as hereinafter provided in the marketing agreement and order, from among whom the Secretary may select committee members and alternates is an equitable and appropriate procedure for annual election and selection of such committee members and alternates. It also provides an adequate and proper manner for presenting nominees to fill any committee vacancy. It is, therefore, appropriate and necessary that the Secretary should be authorized to select from among unselected nominees on a nominee list last submitted prior to the occurrence of a committee vacancy, (i. e. the current nominee list) to fill any committee vacancy in order that the committee may not be required to incur the expense and the administrative burden of holding additional elections. It is also necessary that the Secretary should be authorized to select committee members or alternates to fill vacancies on the committee without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within thirty days after such vacancy occurs. Evidence shows that such provisions with respect to filling any committee vacancy are desirable in the marketing agreement and order so that the Secretary may have equitable, orderly, and practical means of obtaining names of persons whom he may select as members of the administrative agency authorized by the act for administering the marketing agreement and order hereinafter set forth.

An alternate member should be authorized to act in the place and stead of the member for whom he is alternate during such member's temporary absence. Continuity of operation of the marketing agreement and order on a representative basis is better assured by such authorization. Similarly, an alternate should be authorized to act in a member's absence when such absence is due to death, removal, resignation, or disqualification of the member. Such authorization should provide that the alternate can act in the place and stead of the member for whom he was alternate until a successor for the member has been selected and has qualified.

Evidence shows that a quorum of the State of Maine Potato Committee should consist of six members and that six concurring votes should be necessary for passing any motion or approving any action of the committee. It is necessary

that at least three fourths of the committee should be present to constitute a quorum. This number is considered reasonable for there is an alternate for each member which should enable six of the eight positions on the committee to be represented at meetings where business is to be conducted. It is necessary that six members should concur in voting for any motion to be passed or for any committee action to be approved. This number is necessary so that the concurring vote of one handler member at least will be required in order to pass any motion or approve any committee action. Six concurring votes are considered reasonable for evidence shows that there is small probability that committee members or alternates will vote as a block according to the producer or handler basis upon which they are selected, but the requirement that there should be six concurring votes removes the possibility that the five producer members could pass any motion or approve any action without the concurring vote of at least one handler member.

It is necessary to the operation of the marketing agreement and order and the effectuation of the purposes of the act that the committee should be authorized to provide for meetings by telephone, telegraph, or other means of communication. Any vote by members at such non-assembled meetings should be promptly confirmed in writing to supply written evidence of committee action in their records. In any assembled meeting all votes should be cast in person.

The necessary expenses of committee members should be provided when they are acting on committee business. A per diem compensation of not to exceed $10.00 for each day spent in attendance at committee meetings should be allowed because each member is required, by reason of his membership, or alternate membership, to devote time to committee business which he might otherwise direct to his personal affairs. It is common or usual business practice to pay committee members or board members for attending meetings. The compensation provided for comittee members or alternates while attending committee meetings will help to pay for a laborer to work in the member's business while he is attending committee affairs and evidence shows such sum to be reasonable.

The powers of the committee, as authorized by the act, namely, to administer the marketing agreement and order, to make necessary rules and regulations to effectuate the terms and provisions of the marketing agreement and order, to receive, investigate, and report to the Secretary complaints of violations of the provisions of the marketing agreement and order, and to recommend amendments, should be granted to the State of Maine Potato Committee because they are essential to the committee to discharge their responsibility under the marketing agreement and order.

Evidence shows that duties, hereinafter set forth, should be given to the State of Maine Potato Committee to specify the primary responsibilities and authorities vested in the committee. These duties are necessary and incidental to accomplishment of the declared purposes of the act. They are similar to duties granted to other administrative committees, under other marketing agreement or order programs issued pursuant to the act, and the necessity of incorporating such duties in the marketing agreement and order is amply demonstrated by substantial evidence in the hearing record. Such duties and authorities have been found administratively necessary in the operation of other marketing agreements and orders. The operation of the marketing agreement and order hereinafter set forth should be such that each and all of the duties and authorities contained therein are necessary for proper administration of the committee in fulfilling its obligations to the Secretary and in carrying out the declared purposes of the act.

Obligations of committee members and alternates with respect to property, funds, records, or other possessions of the State of Maine Potato Committee are specific and necessary. These obligations are established to provide adequate protection for the committee and the Secretary in case any committee member or alternate vacates his position while he has in his possession any committee property. Obligations of committee members and alternates are established in the last paragraph of section 3, upon which appropriate findings and conclusions are hereinafter set forth, instead of provisions therefor in both section 2 and section 3 as provided in the notice of hearing. Such duplication is unnecessary.

(m) The operation of the committee and of the marketing agreement and order necessitates funds for payment of necessary administrative expenses. It is necessary and appropriate that such expenses should be incurred under direction of the committee and that assessments should be levied against the shipment of potatoes to market in order to meet such expenses. Assessments should be levied against the handler who first ships potatoes, hereinafter called the first handler. Assessments should be based on each first handler's pro rata share of the expenses incurred by the committee. Pro rata shares should be determined by the proportion of the total crop which each first handler ships. In making such pro rata shares of expenses effective on handlers, the budget of expense and revenue should recommend a rate of assessment against shipments which the Secretary can consider and, if he approves, fix as the rate per given unit of shipment which first handlers must pay. The Secretary should be authorized to increase the rate of assessments which handlers should pay for a season if it is found during the course of a given season that the then current rate of assessments is insufficient to cover expenses. Handlers should be authorized to make advance payments to the committee if they wish to accommodate the committee in such manner.

If revenues collected through assessments are in excess of expenses at the end of any fiscal year, such proportionate excess should be credited to individual handlers in accordance with their contributions to such excess. If any handler who has a proportionate refund due him so demands, such refund should be effected or, in the absence of such demand, such refund may be credited to such handler's account.

The committee should be authorized to maintain, with the approval of the Secretary, suits in its own name, or in the name of its members, against any handler for collection of such handler's pro rata share of the committee's expense.

Assessment provisions of the marketing agreement and order should be as hereinafter set forth, to conform with the evidence introduced at the hearing, to provide necessary funds to defray the costs of administering the marketing agreement and order, to distribute equitably operating costs of the program against all handlers regulated, and to prevent any possible abuse of assessment prerogatives.

Experience in marketing agreements and orders, not only in this area but also in other areas, indicates that at times if an order has not been operative for a time or has been suspended or perhaps terminated that the committee will find it has funds in its possession which, under the terms of the order, should be returned to those who paid their assessments, upon the basis of equitable pro rata shares, to those who had paid in such assessments. Despite the reasonable efforts of the committee to return funds to those handlers who have paid their assessments, it has been found impossible after reasonable attempts to find many of the handlers. As a result, committees have found themselves with varying amounts of funds, usually comparatively small as related to the total amount handled by the committee during any one season, which they were unable to distribute to the original contributors. This has in turn created a situation in which the committee members found it desirable to try to extricate themselves. The committee should be authorized, after it has followed reasonable attempts to repay the handlers for excess contributions to recommend that such remaining funds, which it can not dispense to the original contributors on the basis of their pro rata share, should be turned over, with the approval of the Secretary of Agriculture, to some appropriate agency serving potato producers in the production area.

Evidence shows that all funds received by the committee pursuant to any provision of the marketing agreement and order hereinafter set forth should be used solely for the purposes specified therein. Such funds are received by the committee for the purpose of administering the terms and provisions of the marketing agreement and order and should not be disbursed except for purposes determined appropriate by the committee.

Each committee member and alternate is vested with responsibility to the committee and to the Secretary with respect to any property, funds, records, and any other possessions of the committee which may have come into his hands by reason of his connections with the committee. In fulfilling such responsibility, each committee member or alternate should be required to transfer any possession of the committee which may come into his hands to his successor or to such person as may be designated by the Secretary,

and such person should be required, where necessary, to execute such assignments and such other instruments as may be necessary to effect such appropriate transfers. It is appropriate and necessary that such committee members or alternates should, whenever they cease to be such members or alternates, account for all committee receipts and disbursements and for all committee property and they should effect such transfers as may be necessary to place such property and other committee possessions in the hands of their successors or to such persons as the Secretary may designate, because such funds, records, or other committee property do not belong to individual members. Any committee member or alternate who has such committee property is only temporary custodian of such items and he should be required as a matter of good business practice to turn such committee possessions over to his successor, which would be the normal procedure, or to whomever the Secretary may designate in case no appropriate successor is available for receiving such committee funds, records, or other property.

(n) Regulation of shipments of Irish potatoes grown in the production area should provide a method to limit such shipments by grade, size and quality of any or all varieties of both table stock and seed potatoes during any marketing season for Maine potatoes when the prices to farmers therefor give such potatoes a purchasing power with respect to articles that farmers buy equal to or less than the purchasing power of such potatoes during the base period provided by the act. Evidence introduced at the hearing delineated marketing agreement and order provisions, to provide a method of accomplishing such regulation under the aforesaid circumstances, which provisions should be as hereinafter set forth.

Evidence shows that limitation of shipments of the lower grades and less desirable sizes would tend to increase the price of the better grade and more desirable size potatoes and to increase the returns to producers. Evidence shows further that shipments of poor-grade and undesirable-size potatoes from Maine have affected adversely the demand for potatoes grown in the production area. Production of potatoes in Maine has constituted 24 percent of the total crop in the surplus late States during the years of 1946 and 1947. Shipments from Maine, during the period of heavy movement, constitute the bulk of the shipments entering the major terminal markets in the Eastern States. From this it may be concluded that such increases in the general level of potato prices, which will result from regulations limiting shipments of potatoes to better grades and more desirable sizes, will be directly reflected in improved returns to the potato industry of Maine.

The limitation of shipments to particular grades and sizes during a specified period will tend not only to improve returns during that particular period to producers of potatoes grown in Maine, but it will also tend to result in an improvement of returns to producers over a long-term period. The improvement in the quality of potatoes shipped from a particular producing area tends to improve its competitive position with respect to competing areas. Because transportation and marketing costs for Maine potatoes are higher than similar costs of distribution for many of its competitors, the long-term position of the Maine potato industry will be dependent, to a large degree, on marketing a superior quality product. The adoption of regulations on the basis of the grade and size of Maine potatoes will tend to promote more orderly marketing practices for Maine potatoes and, therefore, to increase the demand and price for potatoes from Maine above what they would otherwise tend to be.

Regulation of shipments in consumer packs should be authorized on a different basis than shipments in wholesale packs. Evidence introduced at the hearing shows that higher grade and size requirements for consumer packs would be of benefit to growers. Wholesale packages, which are opened in the store, are subject to a secondary grading in the process of being purchased by the consumer, whereas the unopened consumer packages are taken directly into the home without this opportunity for inspection and selection. Therefore, a few poor potatoes in a consumer package, which carries the shipper's brand and is labeled as Maine potatoes, have a greater adverse effect on demand for Maine potatoes than a similar number of poor potatoes if shipped in a wholesale package.

Maine potatoes marketed in consumer packs, i. e., in containers holding less than fifty pounds net weight, generally are of better quality than the bulk of marketings of such potatoes in bags or other containers of larger size, and handlers of such potatoes generally exercise greater care in grading potatoes going into consumer packs. Generally one of such handler's objectives is to establish a reputation through all trade channels up to and including the consumer for premium quality potatoes and thereby derive premium prices for such shipments. Maine handlers began using such consumer packs prior to the late war. Handlers established reputations for premium quality in their consumer packs and potatoes so packed could be moved more readily than wholesale packs, and usually at premium prices. Greater returns to growers for potatoes in consumer packs as compared with wholesale packs resulted in a decided upward trend in the volume of Maine potatoes shipped in consumer packs. This trend was arrested during the war because of shortages of materials, and labor, but just as soon as these shortages were relieved, this upward trend began again. Shipments of table stock potatoes in consumer packs doubled between 1945 and 1947.

Some handlers have taken unfair advantage of this situation by packing inferior quality potatoes in consumer packs for which they pay low prices to growers and which they sell in the premium market for consumer packs at a discount from such premium price levels. This practice of putting low-cost, inferior quality potatoes in consumer packs has tended to lower the confidence of housewives and others in such consumer packs; it has thereby adversely affected the market for the bulk of good-quality consumer packs and it has promoted disorderly marketing conditions for Maine potatoes. Undue hardships would not result from different regulations for consumer packs because handlers may always ship wholesale packs if they do not wish to meet the requirements established for consumer packs. Evidence shows that it tends to increase prices to growers and that it will promote more orderly marketing conditions if different regulations are authorized under the marketing agreement and order for consumer packs and for wholesale packs.

Seed potato regulation should be authorized on a different basis under particular circumstances than table stock potato regulation because the former can be and is frequently substituted for the latter by the consumer and because of different factors entering into the production and marketing of the former. For example, the 1947 seed potato production of 20,553,000 bushels in Maine was in excess of seed potato demand and a large portion thereof was sold for use as table stock. A larger proportion of the Maine potato crop is being certified as seed each year because of improved disease and insect controls. Different regulation for seed potatoes than for table stock should be permitted because, for example, small sized seed potatoes constitute a premium pack whereas small sized table stock is discounted. The destination of the shipment and time of year, for example, should be taken into account in determining if seed potatoes are being used for planting purposes or are being diverted into table stock channels. Seed potato regulation should be and is predicated on an annual marketing policy adopted by the committee, published by it, and submitted to the Secretary. Different regulations should be authorized for table stock and for seed potatoes because shipments of seed potatoes during certain portions of the year frequently warrant application of different quality requirements as such are expressed in terms of grade than do shipments of table stock potatoes. It is necessary also that the marketing agreement and order should authorize regulation of seed potato shipments in the same manner as table stock shipments because during certain portions of the year quality requirements as expressed in terms of grade for seed shipments should be substantially the same as for table stock. It is essential particularly that different regulations should be authorized in the marketing agreement and order for different varieties of seed potatoes as well as for table stock potatoes, because some varieties of seed potatoes do not compete as directly with table stock shipments as do shipments of other varieties. The same regulation should also be allowed for different varieties of seed potatoes, under appropriate circumstances, where the same regulations would tend to promote the declared policies of the act. The method provided for the institution of such different regulations requires the committee to submit specific recommendations and information to the Secretary to justify the proposed action, and

specific regulations will thereafter be issued by the Secretary on the basis of the recommendations and information submitted or on the basis of other information available to the Secretary.

Regulation of shipments by grades, or sizes, or both should be made applicable to any or all varieties of potatoes grown in Maine. Evidence shows that there is a variation in the quality of, as reflected by grade and size, and demand for various varieties of such potatoes. In order that the effect of regulation may be equitable among producers of different varieties of potatoes, the provisions of the marketing agreement and order should permit the recommendation for and establishment of different regulations for different varieties of potatoes.

Regulation of shipments by grades, or sizes, or both, and by varieties should be made applicable to any or all portions of the production area. Evidence shows that there is a difference in quality of potatoes grown in different portions of the production area because of differences in weather conditions and incidence of disease. In order that the effect of regulation may be equitable among producers, the provisions of the marketing agreement and order should permit recommendation for and establishment of identical or different regulations for any and all portions of the production area.

Evidence shows that the provisions of the marketing agreement and order should permit the recommendation for and establishment of different regulations for different periods of the marketing season. Marketing of the Maine potato crop on a commercial scale covers a ten-month period, starting about August 15 of each year and ending about June 15 of the following year. Substantial changes in market conditions can and do occur within any one marketing season. In order that the most effective regulation can be adopted to fit the current situation, it is necessary, therefore, to provide for recommendation for and establishment of different regulations for different periods of each marketing season.

The committee, in arriving at a basis for its recommendations to the Secretary with respect to regulations, should give consideration to various relevant marketing and production factors, such as market prices of potatoes, including prices by grade, size, and quality of potatoes in consumer packs or in wholesale packs of any and all varieties recommended for regulation; potato supplies on hand in markets, supplies en route to markets, and supplies on track in markets; available supply, quality, and condition of potatoes in any or all portions of the production area; supplies of potatoes from competing areas and regions; the trend and level of consumer income, and other relevant factors.

Authority should be and is established in the marketing agreement and order, hereinafter set forth, for applying regulations to any variety or varieties of potatoes, for applying different regulations for different varieties during any period, for applying different regulations during any period to table stock potatoes, on the one hand, and to seed potatoes on the other hand, for applying regulations to any variety or varieties of table stock or seed potatoes without applying it to any other specific variety or varieties of seed potatoes or of table stock potatoes, for applying different regulations to consumer packs, on one hand, and to wholesale packs on the other hand, and for applying different regulations to different portions of the production area. The Secretary should notify the committee of any regulations issued under this general provision and the committee should give adequate notice thereof to producers and handlers.

Provision is made for the establishment of minimum standards of quality as allowed by Public Law 305, 80th Congress. Such standards should be in terms of grade or size, or both, because such terms define or describe integral elements of quality which are commonly understood and used by producers and handlers in Maine and are the bases upon which shipments may be inspected. Evidence in the record shows that it tends to promote orderly marketing conditions and is in the public interest for the committee to be allowed to recommend minimum standards of quality during any or all periods of marketing and particularly when prices may be in excess of parity. Some shippers have made a practice of shipping not only all normally merchantable potatoes from the production area but also some potatoes which according to all recognized standards of good business and of public interest should not have been shipped. For example, some shipments of cull potatoes were made from the surplus 1947 crop which were packed in 15 pound packages and labeled "select pick-outs." It is harmful to the best interests of the Maine potato industry and impairs consumer acceptance of the better quality packs from the production area to permit the shipment of such potatoes particularly with the misleading branding practice. It is not possible to establish specific minimum standards of quality for adoption at a future date because of potential and probable future changes in market conditions and in consumer concepts of acceptability. The marketing agreement and order provides, therefore, that the Secretary establish minimum standards of quality and inspection requirements as will be in the public interest, based on recommendations from the committee, or other available information.

Provision is made for the committee at the beginning of each fiscal year to prepare, publish, and submit to the Secretary a report setting forth an annual marketing policy, or an amended marketing policy must be so prepared, published, and submitted if conditions change significantly within any one fiscal year. The preparation of such a report on marketing policy constitutes sound business procedure and is necessary because it serves the purpose of informing the Secretary concerning the factors taken into consideration by the committee in making recommendations for regulations. Also, provision is made for publication of annual and amended marketing policies so that producers and handlers will be informed of the general nature of specific regulations, which may be recommended and established and so that such handlers may have information as quickly as possible on probable regulations which may affect their business.

It is necessary for the operation of regulations under the marketing agreement and order for the committee and for the Secretary to have evidence which will show either compliance or non-compliance by handlers with the terms of the regulations. Such evidence may be readily supplied by means of inspection certificates issued by representatives of the Federal-State Inspection Service. Inspections which representatives of the Federal-State Inspection Service offer and the certificates of inspection which they issue are commonly recognized throughout the production area, and in all domestic markets, as authoritative evidence of the subject product's definitive characteristics. Reasonably prompt Federal-State inspection can be accomplished at all points in the production area for reasonable fees. In the event that the regulation in effect on shipments of seed potatoes is only that such shipments be officially certified and identified by the official seed potato certifying agency of the State of Maine, inspection of such shipments by representatives of that agency only should be required. Handlers should be required to have their regulated shipments of potatoes inspected before they are shipped, as is required in the marketing agreement and order hereinafter set forth, so that authoritative evidence as aforesaid will be available to the committee and to the Secretary. Each handler should be required to submit, or authorize that there should be submitted, to the committee a copy of the inspection certificate issued upon such handler's potato shipments during any period of regulation, so that the committee shall have available such evidence relating to the administration of the marketing agreement and order hereinafter set forth.

In order to provide equity among growers and shippers insofar as the effects of any given regulation or set of regulations are concerned, it is necessary to permit, under appropriate circumstances, some producers or handlers to ship some potatoes which are otherwise prohibited from shipment by regulation. The committee, therefore, should be empowered to issue, with the approval of the Secretary, rules and regulations pursuant to which exemption certificates shall be issued.

The committee may issue certificates of exemption to producers whenever a producer, because of regulation, is unable to ship as large a portion of his crop as the average of all producers in his immediate area of production. The committee should be authorized to determine the geographical area to be used in this connection because seasonal changes and variations in the factors which affect the quality of potatoes make it necessary to provide a practical basis for area delineation for adoption of equitable standards.

The committee may issue certificates of exemption to handlers whenever a handler, because of regulation, is unable to ship as large a proportion of his storage holdings of ungraded potatoes acquired by him during or immediately after the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in his immediate shipping area in addition to the consideration hereinafter set forth. It is necessary to provide a practical basis for delineating the area to be used in computing these averages for the same reasons as given for producer exemptions. Exemptions for handlers should apply only to potatoes which have been acquired by them while filling their storage houses during or immediately following the digging season. It is necessary to provide for certificates of exemption for handlers because a large proportion of the crop is bought and stored by handlers during September and October of each year. These potatoes may remain in their possession for the next several months if sale thereof is not made until toward the end of the marketing season, which would be the following June. The quality of potatoes during storage can be adversely affected by conditions beyond the control of the owner in much the same manner as conditions beyond the control of the producer may adversely affect potatoes during the producing period. Handlers who have exercised normal precautions in appraising and evaluating the condition and characteristics of potatoes acquired by them should be entitled to the aforesaid protection against conditions affecting such acquisitions, in a manner comparable to the protection afforded producers as aforesaid. A common example of conditions beyond the control of handlers is the destruction of storage houses by fire, resulting in the total loss of the potatoes therein if such potatoes are required to meet regulation requirements which might be otherwise applicable under the marketing agreement and order.

Producers and handlers are required to apply to the committee for exemptions and to furnish satisfactory evidence to substantiate representations contained in their applications. Applicants are required to show that factors involved in their situation include, not only acts beyond their control, but also acts beyond their reasonable expectations in the normal conduct of their business. Acts beyond control of the applicant would fall within the category of acts of God, for example, damage by hail during the growing season or damage by fire while the potatoes are in storage. It is also provided that acts adversely affecting such potatoes should be beyond the applicant's reasonable expectation in the normal conduct of his business because certain grade or quality characteristics, or grade or quality changes can be expected and avoided even though they cannot always be controlled. (For example deterioration in storage can be expected if late blight is detected at the time of acquisition; wire worm or scab damage can be expected when potatoes are planted in fields where such damage has been commonly experienced in previous seasons; and continued use of poor quality seed can be expected to produce poor quality potatoes.)

Committee members and alternates, due to their experience as producers or handlers, or both, will be well acquainted with normal business risks that are incurred in growing and storing potatoes. Also, these men will know the common practices which are currently in use in the Maine potato industry and which practices and considerations are necessary in order to minimize such risks. The committee should be well qualified, therefore, to apply full and complete consideration to any producer's or any handler's application for exemption so that such applicant should be assured of thorough, comprehensive, and equitable consideration by a competent group of experts in the field of producing and handling potatoes. Therefore, the committee is authorized to use its discretion and judgment in evaluating the merit of each application and in determining if acts upon which the application rests were beyond the applicant's control and reasonable expectation.

If any producer or handler is dissatisfied with the action of the committee in handling his application for exemption, he should have the right of appeal to the committee for reevaluation of his application. The committee should be empowered to ask the applicant for additional information upon which the appeal is based. The committee should be required to reevaluate the application for an exemption certificate and to make a final determination with respect thereto. Such authorization and action is necessary in order that producers and handlers should have the opportunity to place before the committee additional facts and other information which they, for unforeseen reasons, did not include in their previous application and so that the committee shall be able to obtain a clear, comprehensive view of the applicant's problems. The committee should be required to notify promptly the appellant and should be required to furnish promptly a copy of the appeal, with a copy of the final determination, to the Secretary. As an equitable matter, the Secretary should have the right to modify, change, alter, or rescind any procedural rules and regulations relating to exemptions and any exemption certificates granted or denied. The committee should be required, as a matter of proper administrative procedure and in order to provide the Secretary with information for accomplishing effectively the declared purposes of the act, to maintain current records with respect to applications for exemptions from the regulations and it should be required to furnish the Secretary with a weekly report showing the number of applications received, the disposition of such applications, and the shipments made under exemption certificates.

(c) One of the duties which should be and is required of the committee under the marketing agreement and order is to investigate supply of and demand for potatoes in the production area and in the area in which potatoes from the production area are marketed. Whenever the committee finds that the relationship of the supply of potatoes to the demand for such potatoes, as reflected by producers' prices, is such that some of the supply may be considered surplus, then the committee should determine the extent of such surplus or the composition of such surplus by grade, size, and quality. If the committee deems advisable under such circumstances, it should recommend to the Secretary the control and disposition of surplus potatoes and plans for equalizing the burden of surplus elimination and control among producers and handlers.

The Secretary, if he finds from recommendations of the committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, should provide for the control and disposal of such surplus potatoes and should provide for equalizing the burden of control and disposition among producers and handlers thereof. The committee should be authorized, whenever the Secretary provides for control and disposition of surplus potatoes, to enter into contracts or agreements with any person, agency, or organization for the purpose of facilitating the disposal of such surplus. It is necessary and incidental to efficient local administration of any surplus control or disposal program that the local committee should be empowered to assist in such program. The method for controlling and disposing of surplus potatoes, as hereinafter set forth, is in accord with the testimony introduced at hearing. The proposal was made that the Secretary be authorized to designate the committee as an agency to assist in the operation of any governmental program for the elimination or control of surplus potatoes. The authority to designate agencies in connection with other governmental programs would, of course, depend upon the authority vested in the Secretary with respect to such other programs. If the Secretary was vested with appropriate authority and desired to designate the committee in connection with some other governmental program, and the committee desired to serve, such designation could be made without any such express authority in the proposed marketing agreement and order. The proposal to designate the committee to assist in the operation of other governmental programs should not be adopted because it is unnecessary.

(p) A material issue at the hearing was whether regulation of all Maine potato shipments, hereinbefore considered under paragraph (n), would tend to effectuate the declared policy of the act, or whether special provisions should be established for Maine potato shipments for export, for distribution by the Federal government, for distribution by relief agencies, or for consumption by charitable institutions, for manufacturing or conversion into by-products, for livestock feed, for grading, storing, or loading, or for other specified purposes. The notice of hearing provided that shipments of potatoes for certain purposes should be exempt from all regulations, except that payment of assessments and Federal-State inspection on such shipments could be required. It is

found and concluded that a blanket exemption from regulations should not be given to shipments of potatoes for any purpose within the scope of the act, and evidence shows that the Secretary, upon the basis of recommendations of the committee or other available information, should be authorized to modify, suspend, or terminate, regulations governing such shipments. Shipments of potatoes for special purposes, hereinafter enumerated, usually are outside of normal commercial market channels of fresh potato shipments into domestic terminal markets for sale as table stock and of seed shipments to other production areas, and regulations may consist primarily of safeguards to prevent such shipments from entering such market channels contrary to the provisions hereof. Therefore, provisions for regulation of such shipments should be and are set forth separately and distinctly from the provisions for regulation of shipment of table stock and seed potatoes entering normal commercial market channels.

There may be occasions when the aforesaid shipments of potatoes should be regulated the same as other shipments of potatoes, or when such shipments should be subject to a modification, suspension, or termination of regulations in order to effectuate the declared purposes of the act. The conditions under which modifications, suspensions, or terminations of such regulations should be effective can and should be determined upon the basis of recommendations of the committee, or other available information, because the committee is operating in the production area and its members not only have the duty to investigate the supply and demand for Maine potatoes but also they are qualified to do so by reason of their experience and position. Committee recommendations submitted to the Secretary with respect to such regulations of the aforesaid Maine potato shipments should provide appropriate factual bases upon which the Secretary may act in issuing modifications, suspensions, or terminations of such regulations, and, in addition, the Secretary should be authorized to issue such regulations upon the basis of other available information when conditions warrant his use of such information in order to effectuate the declared purposes of the act. It is necessary that the marketing agreement and order, hereinafter set forth, should provide the maximum latitude for the adjustment of regulations applicable to the aforesaid shipments so that such regulations will best effectuate the declared purposes of the act.

The committee should be authorized to recommend that shipments of potatoes for the purpose of having such potatoes graded, stored or loaded should not be regulated or to recommend modification or suspension of regulations governing such shipments. Very few potatoes are shipped, as the term is defined, for the purpose of grading, storing or loading. However, there has been a limited movement of bulk, ungraded potatoes from Maine to warehouses in out of state terminal markets where potatoes are graded, sacked, and sold. Also, there may be instances where a handler ships a partially graded car of potatoes to another state for repacking into consumer packages. It is necessary, therefore, to permit the regulation of the aforesaid shipments to prevent such shipments from entering the channels of interstate commerce or effecting such commerce contrary to the provisions hereof.

Export requirements for potatoes differ materially, on occasion, from domestic market requirements. Provision should be made so that the regulation of shipments for export may be modified, suspended, or terminated, on recommendations of the committee or other available information, to fit the requirements of the export trade. Such regulation will facilitate shipments of potatoes for export and will tend to strengthen the position of Maine potatoes in foreign markets, thereby tending to effectuate the declared policy of the act.

Shipments of pctatoes for distribution by relief agencies or for consumption by charitable institutions should not be given a blanket exemption from regulation, as set forth in the notice of hearing, but such shipments should be subject to regulation, if recommended by the committee and approved by the Secretary, in a manner similar to that set forth herein for shipments for manufacturing, export, or storage, grading or loading. There is no considerable volume of shipments to charitable institutions or to relief agencies in or near the production area. Freight costs on such shipments outside the production area are relatively heavy and any savings to such agencies or institutions that might accrue from utilizing low-grade potatoes would not be commensurate with the difference in quality. If, however, a relaxation of regulation is needed in order to supply this outlet with good edible potatoes at reasonable prices, the committee should be authorized to recommend such modification, suspension, or termination of regulations as may be needed to accomplish this objective and as will tend to accomplish the declared purpose of the act.

Substantial shipments of Maine potatoes to the Federal government have been made in recent years in carrying out the obligations of agricultural price support legislation. It is necessary, therefore, to authorize modification, suspension, or termination of regulations which may be required in order to facilitate such shipments which will tend to effectuate the declared policy of the act.

The committee should be authorized to recommend that Maine potatoes shipped for manufacture or for conversion into specified products or by-products should not be regulated or that regulations should be modified or suspended. The committee, in fulfilling its duties and responsibilities, is obligated to determine the supply and demand for potatoes, which includes investigations relating to each outlet for Maine potatoes. Potatoes shipped for manufacturing or conversion into specified products and by-products reduce the supply of potatoes available for shipment to the table stock market and, therefore, such shipments tend to raise prices Maine potato producers receive for the bulk of their crop. It is necessary, therefore, that the marketing agreement and order should authorize, upon recommendation of the committee or other available information, that any regulation applicable to shipments of Maine potatoes may be modified, suspended, or terminated, with respect to such shipments for manufacture or conversion into specified products or by-products. The committee should be given authority to recommend which shipments should be classified hereunder because Maine potatoes are shipped for the purpose of changing them into various end products or by-products, some of which products or by-products compete on a basis virtually equal to fresh table stock potatoes. It is not possible to specify at this time all the manufactured products or by-products for which shipments of fresh potatoes are made, the shipments of which compete on a basis virtually equal with table stock potatoes, because new developments may bring forth new manufactured products or by-products which would fall within the aforesaid competitive category. It is necessary that the marketing agreement and order should provide sufficient flexibility of administration so that the committee can exercise its judgment in accordance with the above in making appropriate recommendations that will tend to carry out the provisions of the marketing agreement and order and effectuate the declared policy of the act.

The committee should be authorized to recommend that shipments of potatoes for livestock feed, or for other specified purposes, should not be regulated or to recommend modification or suspension of regulations governing such shipments. Livestock feed provides an outlet for shipments of fresh potatoes which ordinarily do not compete with shipments of potatoes for table stock use. Whenever conditions warrant that livestock feed should be used as an outlet for shipments of Maine potatoes, there is no good reason why shipments of Maine potatoes for such purposes should be required to meet grade and size requirements applicable by regulations issued hereunder to such shipments for table stock use. Potatoes which may be discarded for use as table stock potatoes because of regulations issued pursuant to the marketing agreement and order may find an outlet as livestock feed, hence relieving such shipments from regulations with respect to grade and size will tend to promote objectives sought under regulations in accordance with previous sections. The committee should be authorized to recommend that shipment of potatoes for a particular purpose or type of utilization should not be regulated, or to recommend modification or suspension of regulations governing such shipments, when it is found that such shipments are not competitive with table stock or seed potato shipments in interstate or foreign commerce, or do not directly burden, obstruct, or affect such commerce.

The committee, with the approval of the Secretary, should be authorized to establish appropriate safeguards to prevent diversion of seed potato shipments

from seed potato channels whenever such shipments are not subject to the same grade and size regulations as table stock shipments, or whenever such shipments are not subject to assessments, because such seed potato shipments should be subject to the committee's continuing scrutiny and control to provide assurance that they, in fact, remain in seed potato channels and do not circumvent other regulations established pursuant to the provisions of the marketing agreement and order.

It is necessary and incidental to the operation of the marketing agreement and order and to effectuate the objectives of the act that the committee should be authorized to provide adequate safeguards to prevent shipments of potatoes which are affected by the section in the marketing agreement and order covering shipments for specified purposes from entering the current of interstate or foreign commerce or burdening, obstructing, or affecting such commerce contrary to the provisions hereof. Such safeguards, among others, may include Federal-State inspection in order that distinguishing characteristics of specific or particular shipments may be readily determined in accordance with commonly recognized authority.

Potato shipments which are not subject to regulation or which are subject to modified regulation may be required to bear their equitable share of the expense of operating the marketing agreement and order.

In order to maintain appropriate identification for shipments which are not subject to regulation or for which regulation is relaxed, the committee should be authorized to issue Certificates of Privilege to producers or handlers shipping such potatoes. It is necessary in the interests of efficient operation of the marketing agreement and order that such identification should be maintained in this manner, in order for the committee to be able to exercise proper administrative control over such shipments. It is necessary for the committee to be authorized to rescind or deny Certificates of Privilege to any shipper who violated the provisions of the marketing agreement and order in connection with shipments affected by the section thereof covering shipments for specified purposes. In order that the Secretary may be properly advised concerning the movement of potatoes from the production area as a basis for appropriate administration of the marketing agreement and order, it is necessary and incidental to the operation of the marketing agreement and order that records of such shipments should be maintained and that weekly reports should be forwarded by the committee to the Secretary showing the disposition and number of shipments which were exempt from regulation.

The committee should be authorized to recommend the exemption of shipments of small quantities of potatoes for any or all portions of the production area from the provisions of the marketing agreement and order if it is found impracticable to require that such shipments should conform to the provisions of the marketing agreement and order. Provision should be and is made for differences in the designated minimum quantity in different portions of the production area because of slightly different marketing practices. The administrative difficulties involved in attempting to regulate small lots of potatoes may render regulation impracticable and the expense involved in inspection and investigation of such small lots may be found to outweigh whatever benefits might accrue from the regulation thereof.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or Certificates of Privilege issued by the committee, and he shall give prompt notice to the committee of any action taken by him, in accordance with the foregoing, in order that the Secretary shall retain all rights necessary for carrying out the declared purposes of the act, and in order that the Secretary may be currently informed of the committee's operation.

(q) For the proper and efficient administration of the marketing agreement and order, the committee needs information on potatoes with respect to supplies, movement, prices, and sundry other relevant factors which are best obtainable from handlers. The committee should be authorized to request, with the approval of the Secretary, and every handler should be required to furnish to the committee, any information which is required for the committee to exercise its powers and perform its duties under the marketing agreement and order. The Secretary should retain the right to modify, change, or rescind any request by the committee for information in order to protect handlers from unreasonable requests for reports.

(r) The provisions of sections 8 through 20 as published in the FEDERAL REGISTER of April 3, 1948 (13 F. R. 1831) are common to marketing agreements and orders now operating. These provisions are incidental to, and not inconsistent with section 8c (5), (6), and (7) of the act, and necessary to effectuate the other provisions of the marketing agreement and order, and to effectuate the declared purposes of the act. Testimony at the hearing supports the inclusion of each of these provisions as hereinafter set forth. These provisions, identified by section numbers and title, are as follows:

Section 8. Compliance;
Section 9. Right of the Secretary;
Section 10. Effective time and termination;
Section 11. Effect of termination or amendment;
Section 12. Duration of immunities;
Section 13. Agents;
Section 14. Derogation;
Section 15. Personal liability;
Section 16. Separability;
Section 17. Amendments;
Section 18. Counterparts;
Section 19. Additional parties;
Section 20. Order with marketing agreement.

(s) Maine produces more potatoes than any other State. For the 5-year period of 1943–47, potato production in Maine avergaed 64 million bushels per year, which amounted to 15 percent of the total U. S. crop and 21 percent of the crop in the Surplus Late States. The Maine potato crop is marketed during a 10-month period from the middle of August to the middle of the following June. About 85 to 90 percent of the crop is placed in permanent, frost-proof storage houses during digging, for sale throughout the remaining months of the marketing season. The major market for Maine potatoes is the heavily populated area of the Atlantic States but shipments also are made in considerable volume to the Central and Southeastern States.

In 1946, Maine potatoes were shipped to 32 states and the District of Columbia. Because of the size of the Maine potato crop and because of its widespread market area, wide price fluctuations occur in the prices received by farmers, hereinafter called "farm price", of potatoes grown in Maine with relatively small changes in the relationships of supply to demand.

Due to the relative inelasticity in demand, production is an important factor in determining the year to year farm price of potatoes. During the 20-year period of 1919–38, there was a 4 percent increase in farm price for each 1 percent decline in production from the average. Greater farm price fluctuations occur in the major production areas than in the less important production areas when there is an over-supply. For example, for the exceedingly large 1934 crop, the U. S. average farm price was 51 percent of parity whereas the average farm price in Maine was only 26 percent of parity.

Potato production in the United States during the last five years (1943–47) has averaged 426 million bushels per year, which is 65 million bushels greater than the average of 361 million bushels during the pre-war period of 1937–41. Continued potato production, under free market price conditions, at levels significantly above the pre-war average can be expected to result in below parity U. S. farm prices for potatoes and in farm prices for potatoes in Maine at an even lower percentage of parity because of the concentration of potato production in that State.

The base period for potatoes as stated in the Agricultural Marketing Agreement Act of 1937, as amended, is the period of August 1919 through July 1929, which included 10 complete marketing seasons for this production area. The seasonal average farm price per bushel for potatoes grown in Maine for the base period is $0.99. For the eighteen seasons, 1929–46, inclusive, the seasonal average farm price per bushel for potatoes grown in Maine has been below parity for thirteen seasons and above parity in only five, three of which were during the war. Based on the current level of U. S. potato production and on the relationship between farm prices and parity prices for potatoes grown in Maine which exists in the majority of seasons, it can be reasonably anticipated that potato prices received by growers in Maine will be below parity during the 1948 crop season.

The proposed marketing agreement and order and all the terms and conditions thereof will tend to effectuate the

declared policy of the act with respect to potatoes produced in said production area, by establishing and maintaining such orderly marketing conditions therefore as will tend to establish prices to the producers thereof at a level that will give such potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such potatoes in the base period for potatoes and by protecting the interest of the consumer (1) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (2) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the level which it is declared in the act to be the policy of Congress to establish and (3) by authorizing the establishment and maintenance of such minimum standards of quality as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest.

Rulings on proposed findings and conclusions. Interested parties were allowed until May 20, 1948, by the presiding officer at the hearing on the proposed marketing agreement and order to file briefs on findings of facts and conclusions based on evidence introduced at the hearing. No briefs were filed, hence no rulings are necessary.

Recommended marketing agreement and order. The following proposed marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

SECTION 1. *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.; 61 Stat. 202, 707).

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit.

(d) "Production area" means all territory included within the boundaries of the State of Maine.

(e) "Potatoes" means all varieties of Irish Potatoes grown within the State of Maine.

(f) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes in fresh form.

(g) "Ship" or "handle" means to transport, sell, or any other way to ship or place potatoes in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect any such commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on July 1 of each year and ending June 30 of the following year.

(j) "Committee" means the administrative committee, called the State of Maine Potato Committee, established pursuant to section 2 hereof.

(k) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(l) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of Maine.

(m) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

(n) "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

(o) "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

(p) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the Department of Agriculture on September 10, 1941, effective June 1, 1942 (12 F. R. 3651), or amendments thereto, or modifications thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture on November 3, 1947, effective December 8, 1947 (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(3) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture on November 26, 1935, or amendments thereto, or modifications thereof, or variations based thereon.

(q) "Export" means shipment of potatoes beyond the boundaries of continental United States.

(r) "District" means each one of the geographical divisions of the production area hereby established as follows:

District No. 1. Township 11, Range 8, Townships 11, 12, 13, and 14, Range 7, Township 14, Range 6, Townships 14, 15, 16, Range 5, Townships 16, 17, Range 4, Township 17, Range 3, the towns of Van Buren, Cyr, Connor, Caswell, Hamlin, and all towns and townships north and west thereof in Aroostook County.

District No. 2. All the towns and townships in Aroostook County not included in Districts No. 1 and 3 hereof;

District No. 3. Mount Chase Plantation, Stacyville Plantation, the town of Patten and Township 2, Range 6, in Penobscot County, and Township 8, Range 5, Township 8, Range 4, Township 8, Range 3, Township C, Range 2, the town of Monticello, and all the towns and townships south thereof in Aroostook County;

District No. 4. All the remaining counties, towns, and townships in the State of Maine not included in Districts 1, 2, and 3 of this section.

SEC. 2. *Administrative committee—* (a) *Establishment and membership.* (1) The State of Maine Potato Committee consisting of 8 members, of whom five shall be producers and three shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) (i) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(ii) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the State of Maine, or officers or employees of a corporate handler in the aforesaid State, and such persons shall be residents of the State of Maine.

(b) *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of July and continuing until the end of the then current fiscal year, and until their successors are selected and have qualified. Committee members and alternates shall serve during the fiscal year for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the fiscal year and continuing until the end thereof, and until their successors are selected and have qualified.

(c) *Selection.* The Secretary shall select two producer members of the committee, with their respective alternates, from district number 2 and one producer member, with his respective alternate, from each of the other districts, as defined in section 1 (r), which members and alternates shall represent the respective district from which they are selected. The Secretary shall also select three handler members of the committee, with their respective alternates, from the production area at large.

(d) *Nomination.* The Secretary may select the members of the State of Maine Potato Committee and their respective alternates from nominations which may be made in the following manner:

(1) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(2) In order to provide nominations for succeeding committee members and alternates:

(i) The State of Maine Potato Committee shall hold or cause to be held prior

to May 1 of each year, after the effective date hereof, a meeting or meetings of producers in each of the districts designated in section 1 (r) and a meeting or meetings of handlers in the production area;

(ii) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(iii) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee;

(iv) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(v) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(vi) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(vii) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(e) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (d) (2) of this section, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for herein.

(f) *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (d) (2) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(h) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(i) *Procedure.* (1) Six members of the committee shall be necessary to constitute a quorum and six concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(j) *Expenses and compensation.* Committee members or their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending meetings of the committee.

(k) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(l) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(4) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(5) To furnish to the Secretary such available information as he may request;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(9) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

SEC. 3. *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to perform its functions hereunder during each fiscal year and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who first ships potatoes shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal year, and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. Such handler's pro rata share of such expense shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment

thereof, in which event such proportionate refund shall be paid to him.

(2) If, after reasonable effort by the committee, it is found impossible to return excess funds to handlers, such funds shall, with the approval of the Secretary, be turned over to an appropriate agency serving potato producers in the production area.

(3) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds.* All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(2) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

SEC. 4. *Regulation*—(a) *Marketing policy.* At the beginning of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

(b) *Recommendation for regulations.* (1) It shall be the duty of the committee to invetsigate supply and demand conditions for grade, size, and quality of potatoes of all varieties. In such investigations, the committee shall give due consideration to the following factors:

(i) Market prices of potatoes, including prices by grade, size and quality in wholesale or in consumer packs, or any other shipping unit;

(ii) Potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets;

(iii) Supply of potatoes, by grade, size and quality, in the State of Maine and other production areas;

(iv) The trend and level of consumer income; and

(v) Other relevant factors.

(2) The committee shall recommend regulation to the Secretary, in accordance herewith, whenever it finds, on the basis of the foregoing investigation, that such conditions make it advisable:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of tablestock or seed potatoes, or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs (or any other shipping unit), for tablestock and seed, or any comibnation of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality.

(c) *Issuance of regulation.* (1) The Secretary shall limit the shipment of potatoes as hereinafter set forth, whenever he finds from the recommendations and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of tablestock or seed potatoes, or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for tablestock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grade, sizes, or both, minimum standards of quality.

(2) The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Inspection and certification.* During any period in which the Secretary regulates the shipment of potatoes pursuant to the provisions hereof, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate.

(e) *Exemptions.* (1) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

(2) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (i) That by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (ii) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of sale.

(3) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee; (i) that by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, and (ii) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of sale.

(4) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

(5) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(6) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(7) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

SEC. 5. *Regulation of surplus*—(a) *Recommendation.* It shall be the duty of the committee to investigate supply and demand conditions of potatoes. Whenever the committee finds that a surplus of potatoes exists, it shall determine the extent of such surplus of potatoes of any grade, size, or quality thereof. If it is deemed advisable, the committee shall recommend the control and disposition of surplus potatoes and plans for equalizing the burden of surplus elimination or control among the producers and handlers thereof under uniform rules estab-

lished by the committee and approved by the Secretary.

(b) *Issuance of regulations.* (1) Whenever the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination or control among producers and handlers thereof.

(2) At any time during which the Secretary provides for the control and disposition of surplus potatoes, the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of surplus potatoes.

SEC. 6. *Shipments for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to sections 3 or 4, or both, hereof, in order to facilitate shipments of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act; adequate safeguards may be established, pursuant to paragraph (c) of this section, to prevent such shipments from entering channels of trade for other than the specified purpose:

(1) Shipments of potatoes for the purpose of having such potatoes graded, stored, or loaded;

(2) Shipments of potatoes for export;

(3) Shipments of potatoes for distribution by the Federal government, for distribution by relief agencies, or for consumption by charitable institutions;

(4) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products;

(5) Shipments of potatoes for livestock feed or for other specified purposes.

(b) Whenever the shipments of seed potatoes are not subject to the same regulations as shipments of table stock potatoes, issued pursuant to section 3 or 4, or both, hereof, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b), which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by section 4 (d) and pay the pro rata share of expenses provided by section 3, in connection with potato shipments effected under the provisions of this section: *Provided,* That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of this section. The committee with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make a weekly report to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any shipper if evidence is obtained that potatoes shipped by him for the purposes stated above have entered the current of interstate or foreign commerce, or have directly burdened, obstructed, or affected such commerce contrary to the provisions hereof.

(d) The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to sections 3 and 4 hereof.

(e) (1) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

SEC. 7. *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

SEC. 8. *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

SEC. 9. *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

SEC. 10. *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes; *Provided,* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal year.

(4) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before June 30 of the then current fiscal year.[1]

(5) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be

[1] Applicable only to the proposed marketing agreement.

subject to the same obligations imposed upon the members of the committee and upon the said trustees.

SEC. 11. *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

SEC. 12. *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

SEC. 13. *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

SEC. 14. *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 15. *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

SEC. 16. *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

SEC. 17. *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

SEC. 18. *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

SEC. 19. *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

SEC. 20. *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 2d day of August 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-7089; Filed, Aug. 4, 1948; 8:55 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

ORGANIZATION AND DELEGATION OF AUTHORITY UNDER RENEGOTIATION ACT OF 1948

1. For the purpose of carrying out the provisions of the Renegotiation Act of 1948 (section 3 of the Supplemental National Defense Appropriation Act, 1948, Public Law 547, approved May 21, 1948), hereinafter called the act, and for the purpose of carrying out any extension of said act under section 401 of Public Law 785, 80th Congress;

(a) There is hereby created in the Office of the Secretary of Defense, and reporting to the Secretary through the Munitions Board, the Military Renegotiation Policy and Review Board, which shall consist of three members who shall be the three chairmen of the divisions of the hereinafter described Army Services Renegotiation Board. The chairman of the Military Renegotiation Policy and Review Board shall be selected by the three members thereof from among themselves; and

(b) There is also hereby created as a joint board of the Army, Navy, and Air Force, the Armed Services Renegotiation Board, which shall consist of three divisions. One of the divisions shall be known as the Army Renegotiation Division, and its members, not to exceed five in number, shall be appointed by the Secretary of the Army, who shall also designate the chairman of said division; one of the divisions shall be known as the Navy Renegotiation Division, and its members, not to exceed five in number, shall be appointed by the Secretary of the Navy, who shall also designate the chairman of said division; and one of the divisions shall be known as the Air Force Renegotiation Division, and its members not to exceed five in number, shall be appointed by the Secretary of the Air Force, who shall also designate the chairman of said division. The chairman of the Armed Services Renegotiation Board shall be selected by the three chairmen of the respective renegotiation divisions from among themselves.

2. Pursuant to subsection (g) of the act, I hereby delegate to the Military Renegotiation Policy and Review Board all of the powers, functions and duties conferred upon me by the act, except as otherwise delegated in this memorandum. The powers, functions and duties hereby delegated to the Military Renegotiation Policy and Review Board includes, but are not limited to, the following:

(a) To promulgate and publish in the FEDERAL REGISTER, pursuant to subsection (f) of the act and after approval by the Secretary of Defense, regulations, (1) interpreting and applying the act, (2) prescribing standards and procedures for determining and eliminating excessive profits under the act, using, so far as the Military Renegotiation Policy and Review deems practicable, the principles and procedures of the Renegotiation Act of February 25, 1944, as amended, having regard for the different economic conditions existing on or after the effective date of the act from those prevailing during the period from 1942 to 1945, and (3) providing for the review by the Military Renegotiation Policy and Review Board of determinations made by the chairman of a division of the Armed Services Renegotiation Board;

(b) To assign for renegotiation contractors or sub-contractors to divisions of the Armed Services Renegotiation Board;

(c) To review any determination made by the chairman of a division of the Armed Services Renegotiation Board. Upon any review by the Military Renegotiation Policy and Review Board, it may determine as the amount of excessive profits an amount either less than, equal to, or greater than that determined by the chairman of the division of the Armed Services Renegotiation Board whose action is so reviewed and

[1] Applicable only to the proposed marketing agreement.

such determination may be made by agreement or order;

(d) To exempt under subsection (d) of the act from some or all of the provisions of the act contracts and subcontracts by general classes or types, excepting from such delegation any power or authority to exempt from any of the provisions of the act an individual contract or subcontract;

(e) To audit the books and records of any contractor or subcontractor subject to the act.

3. Pursuant to subsection (g) of the act, I hereby delegate to the chairman of each division of the Armed Services Renegotiation Board the following powers, functions and duties:

(a) To conduct renegotiation under the act with any contractor or subcontractor assigned to any such division;

(b) To make determinations of excessive profits by agreement or order subject to the review of the Military Renegotiation Policy and Review Board pursuant to subparagraph (c) of paragraph 2 of this memorandum;

(c) To audit the books and records of any contractor or subcontractor subject to the act.

4. The Military Renegotiation Policy and Review Board shall submit reports summarizing its activities to the Secretary of Defense at semiannual intervals, beginning January 1, 1949.

5. There is hereby delegated to each of the Secretaries of the Army, the Navy, and the Air Force, respectively, the following powers, functions, and duties:

(a) To exempt under subsection (d) of the act from some or all of the provisions of the act an individual contract entered into pursuant to his authority or the authority of his Department, or any sub-contracts under any such individual contract, excepting from such delegation, however, any power or authority to exempt from any of the provisions of the Act, any contracts or sub-contracts by general classes or types. In the exercise of this delegation an application for exemption of an individual contract or sub-contract shall be first referred to the Military Renegotiation Policy and Review Board for recommendation;

(b) To eliminate under subsection (b) of the act excessive profits by any of the methods set forth in subsection (c) (2) of the Renegotiation Act of February 25, 1944, as amended.

6. Without intending to limit the powers, functions, and duties hereby delegated, all agencies and persons exercising renegotiation authority under these delegations shall be governed by the applicable regulations issued from time to time under paragraph 2 (a) hereof by the Military Renegotiation Policy and Review Board, after approval by the Secretary of Defense.

7. This memorandum is subject to revocation or modification, in whole or in part, at any time.

JAMES FORRESTAL,
Secretary of Defense.

JULY 19, 1948.

[F. R. Doc. 48-7052; Filed, Aug. 4, 1948; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

SNAKE RIVER, IDAHO

POWER SITE CLASSIFICATION NO. 390

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

BOISE MERIDIAN

T. 6 S., R. 12 E.,
Sec. 11, NE¼NE¼, and NW¼NW¼;
Sec. 12, NW¼NE¼, and N½NW¼;
Sec. 13, N½N½, and SW¼NW¼.
T. 6 S., R. 13 E.,
Sec. 7, N½NE¼;
Sec. 17, SE¼NE¼, and NE¼SE¼;
Sec. 18, lots 1, and 2, SE¼NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 19, E½E½;
Sec. 20, lot 8, W½NW¼, W½SE¼NW¼, and SW¼;
Sec. 21, NE¼SE¼;
Sec. 22, SW¼SW¼;
Sec. 27, NE¼NW¼, and NW¼SE¼;
Sec. 28, W½NW¼, SW¼, and SW¼SE¼;
Sec. 29, N½NE¼, SW¼NE¼, N½NW¼, SE¼NW¼, and E½SE¼;
Sec. 30, NE¼NE¼;
Sec. 33, NE¼, and N½NW¼.
T. 7 S., R. 13 E.,
Sec. 3, lot 1, and E½SE¼;
Sec. 9, NE¼SE¼, and S½SE¼;
Sec. 10, W½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 17, NE¼NE¼, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 20, E½NE¼, and NE¼SE¼;
Sec. 21, W½NW¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 29, E½NE¼, SE¼SW¼, and SE¼;
Sec. 32, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 33, lot 9, SW¼SW¼.
T. 8 S., R. 13 E.,
Sec. 1, SW¼SW¼;
Sec. 2, S½;
Sec. 3, S½;
Sec. 4, lots 2, and 3, S½NW¼, and S½;
Sec. 5, lot 1, SE¼NE¼, and E½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, NE¼, and N½NW¼;
Sec. 10, N½;
Sec. 11, N½;
Sec. 12, N½.
T. 8 S., R. 14 E.,
Sec. 7, lot 4, SW¼NE¼, SE¼NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 18, E½NE¼, and NE¼SE¼;
Sec. 19, W½NE¼;
Sec. 29, S½NW¼, and W½SE¼.
T. 9 S., R. 14 E.,
Sec. 4, lot 10;
Sec. 10, NE¼SW¼, and NW¼SE¼.
T. 9 S., R. 15 E.,
Sec. 4, NW¼SE¼;
Sec. 14, NE¼NE¼.
T. 9 S., R. 16 E.,
Sec. 17, lots 15, and 16;
Sec. 18, lots 16, 17, 18, 19, and 20;
Sec. 24, lots 5, and 6.
T. 9 S., R. 17 E.,
Sec. 19, lot 2, SE¼NW¼.

The area described aggregates 7744.33 acres.

JULIAN D. SEARS,
Acting Director.

JULY 26, 1948.

[F. R. Doc. 48-7053; Filed, Aug. 4, 1948; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6151]

PUBLIC SERVICE CO. OF INDIANA, INC.

NOTICE OF ORDER CONSENTING TO WITHDRAWAL OF RATE SCHEDULES AND TERMINATING PROCEEDINGS

AUGUST 2, 1948.

Notice is hereby given that, on August 2, 1948, the Federal Power Commission issued its order entered July 30, 1948, consenting to withdrawal by Public Service Company of Indiana, Inc. of its Rate Schedules FPC Nos. 42 and 43, and terminating the proceeding instituted by order of June 22, 1948, in the above entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-7071; Filed, Aug. 4, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 16-1A29]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., AND J. A. SISTO & CO.

ORDER APPROVING ADMISSION TO MEMBERSHIP IN NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of July A. D. 1948.

The National Association of Securities Dealers, Inc., a national securities association registered under section 15A of the Securities Exchange Act of 1934, having made application pursuant to section 15A (b) (4) of the act for an order approving the admission of J. A. Sisto & Co. to membership;

The Commission being duly advised and having this day issued its findings and opinion herein; on the basis of said findings and opinion,

It is ordered, That the admission of J. A. Sisto & Co. to membership in the National Association of Securities Dealers, Inc., be, and the same hereby is, approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-7062; Filed, Aug. 4, 1948; 8:48 a. m.]

[File No. 30-171]

PORTLAND GENERAL ELECTRIC CO.

ORDER DECLARING COMPANY HAS CEASED TO BE A HOLDING COMPANY

At a regular session of the Securities and Exchange Commission held at its

office in the city of Washington, D. C., on the 30th day of July A. D. 1948.

Portland General Electric Company, a registered holding company, having filed an application, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935, for an order, under said act, declaring that the company has ceased to be a holding company and that its registration has ceased to be in effect, which application recites, inter alia, that Portland General Electric Company does not now, directly or indirectly, own, control or hold with power to vote, any of the outstanding securities of a public utility company, or of a company which is a holding company, as defined in the act; and

The application having further stated that Portland General Electric Company, on September 24, 1947, sold to Galbraith and Company of Portland, Oregon, all of its holdings of common stock (consisting of 1300 shares) of Seattle Gas Company for a consideration of $9,360, and having represented and, in effect, having requested that we find that such sale was exempt from the act by reason of the provisions of Rule U-44 (b) (1); and

The Commission having issued a notice of filing on July 1, 1948 with respect to said application and said notice having stated that any interested person might, not later than July 16, 1948, request the Commission in writing that a hearing be held on such matter, and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Portland General Electric Company has ceased to be a holding company and that its registration as a holding company should cease to be in effect and that it is not necessary to impose any terms or conditions for the protection of investors in connection with the termination of such registration, and also finding that the sale by Portland General Electric Company of all of its holdings of common stock of Seattle Gas Company was exempt from the act by reason of the provisions of Rule U-44 (b) (1);

It is ordered, That Portland General Electric Company has ceased to be a holding company and that the registration of the company as a holding company shall from the date of the entry of this order cease to be in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-7063; Filed, Aug. 4, 1948; 8:49 a. m.]

[File No. 70-1857]

COMMONWEALTH & SOUTHERN CORP. (DEL.) ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of July 1948.

In the matter of The Commonwealth & Southern Corporation (Delaware), The Southern Company, Georgia Power Company, File No. 70-1857.

The Commission having on August 1, 1947, issued an order pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 (the "act") directing, among other things, that The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company and The Southern Company ("Southern"), a subsidiary of Commonwealth and also a registered holding company, shall cease to own, operate, control, or have any interest, direct or indirect, in the gas properties and business of Georgia Power Company ("Georgia"), a direct public utility subsidiary of Southern; and Commonwealth, Southern and Georgia having filed with this Commission a joint declaration pursuant to section 12 (d) and Rule U-44 (a) thereunder regarding the following proposed transactions:

Georgia proposes to sell all of its gas distribution properties and business in the municipalities of Columbus, Georgia, and Americus, Georgia, and surrounding territory (comprising all of Georgia's gas properties and business), in accordance with the terms and conditions contained in a contract entered into between Georgia and Charles Frank Williams and Associates (or their nominee) dated as of the 19th of May 1948. The base price to be paid for the properties is $2,300,000 in cash, subject to closing adjustments.

Said declaration having been filed on May 25, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective; and

The declarants having requested that the Commission's order herein contain the recitals, itemizations, and specifications required by sections 371 (f) and 1808 (f) of the Internal Revenue Code.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

It is further ordered and recited and the Commission finds, That the following transactions are appropriate steps in conformity with this Commission's order dated August 1, 1947 pursuant to section 11 (b) (1) of the act and are necessary or appropriate to the integration or simplification of the holding company system of which Commonwealth, Southern and Georgia are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and are hereby authorized and permitted:

(a) The sale by Georgia to Charles Frank Williams and Associates (or their nominee) of its aforementioned gas properties and business in Columbus and Americus, Georgia, in accordance with the contract between Georgia and said Charles Frank Williams and Associates dated May 19, 1948 for an amount estimated by Georgia to approximate $2,500,000 (exclusive of the net earnings to the date of transfer). The said gas properties and business of Georgia are more fully described in Exhibit "A" to said contract, which by this reference is incorporated herein and made a part hereof, and include the following:

(i) The water gas manufacturing plant, compressor stations, gas holders, warehouse and other buildings and structures in the City of Columbus, Georgia, together with the tracts of land on which located;

(ii) The water gas manufacturing plant, gas holder and other buildings and structures in the City of Americus, Georgia, together with the tract of land on which located;

(iii) 12 trucks, 1 passenger automobile and miscellaneous test instruments, laboratory equipment, tools and work equipment;

(iv) Georgia's right, title and interest in, to and under all charter and franchise rights granted to the Gas Light Company of Columbus by an Act of the Legislature of the State of Georgia, approved February, 1854, the assignment thereof dated November 26, 1935 and the amendment thereto dated February 14, 1931;

(v) Franchise from the City of Americus to Americus Public Service Company to carry on a gas business in the City of Americus, the assignment thereof to Georgia and the renewal by Georgia as of August 31, 1934;

(vi) All other property comprising Georgia's gas system in the Cities of Columbus and Americus, Georgia, and their environs, including all apparatus, tanks, miscellaneous piping and equipment, mains, service meters, connections, and regulatory stations and other properties, real, personal and mixed, used, occupied or enjoyed in connection with such gas systems, together with all contracts of Georgia for the purchase of gas for resale, and all rights of way, easements, permits, privileges and rights in so far as and only as they relate to the construction, maintenance or operation of said systems, through, over, under or upon any property of any public streets or highways, parks or bridges within the Cities of Columbus and Americus or the Counties of Muscogee or Sumter, Georgia; and

(vii) Materials and supplies relating to any of the foregoing, including gas appliances, gas repair parts and oil on hand at the date of transfer.

(b) The expenditure by Georgia of the proceeds of such sale (estimated to amount to approximately $2,500,000 as above stated), or an amount equal thereto, within twenty-four months of

said sale, toward the acquisition of property additions to its electric utility system, including any part of the acquisition, construction and installation of additional steam electric generating capacity, as follows:

(i) The new steam electric generating station at or near Albany, Georgia, to be known as Plant Will Mitchell, and the proposed initial installation therein of two units each with a rated installed generator capacity of 22,500 kilowatts;

(ii) A fourth steam electric generating unit, with a rated installed generator capacity of 40,000 kilowatts, to be installed in Plant Arkwright, or at or near Macon, Georgia; and

(iii) A fourth steam electric generating unit, with a rated installed generator capacity of 60,000 kilowatts, to be installed in Plant Atkinson, at or near Atlanta, Georgia.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7061; Filed, Aug. 4, 1948; 8:48 a. m.]

[File No. 70-1894]

POTOMAC EDISON CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of July A. D. 1948.

In the matter of the Potomac Edison Company, Potomac Light and Power Company, South Penn Power Company, File No. 70-1894.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder by The Potomac Edison Company ("Potomac Edison"), a public utility subsidiary of a registered holding company, and its wholly owned subsidiaries, Potomac Light and Power Company ("Potomac Light"), and South Penn Power Company ("South Penn").

Notice is further given that any person may, not later than August 12, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of law or fact raised by such joint application-declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 12, 1948, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized below:

Potomac Light proposes to issue and sell 4,000 shares of its authorized and unissued Common Stock, par value $100 per share, and Potomac Edison proposes to acquire such shares for a cash consideration of $400,000, the aggregate par value thereof.

South Penn proposes to issue and sell 160,200 shares of its authorized and unissued Capital Stock, without nominal or par value, and Potomac Edison proposes to acquire such shares for a cash consideration of $801,000, the aggregate stated value thereof.

Potomac Edison now owns all of the outstanding capital stock and long-term debt of Potomac Light and South Penn, consisting of 32,000 shares of Common Stock, par value $100 per share, and $100,000 principal amount of open account advances, in the case of Potomac Light, and of 166,800 shares of Capital Stock, with a stated value of $834,000, and $673,161.47 principal amount of open account advances, in the case of South Penn. Such shares of capital stocks and $573,161.47 of the aforesaid open account advances of South Penn are presently pledged under the Indenture of Potomac Edison dated as of October 1, 1944, securing its First Mortgage and Collateral Trust Bonds, 3% Series Due 1974 and 3⅛% Series Due 1978. The additional shares of capital stocks of Potomac Light and South Penn to be acquired by Potomac Edison will be pledged under said Indenture in accordance with the requirements thereof. Potomac Light is incorporated under the laws of the State of West Virginia and operates all of the electric properties of Potomac Edison's system in that state. South Penn is incorporated under the laws of the Commonwealth of Pennsylvania and operates all of the electric properties of Potomac Edison's system in that commonwealth.

Potomac Light and South Penn propose to use the proceeds from the sale of such additional shares of capital stocks to pay their indebtedness to Potomac Edison and for the construction of property additions and improvements.

Potomac Edison has made a filing with the Public Service Commission of Maryland and the Public Service Commission of West Virginia, Potomac Light has made a filing with the Public Service Commission of West Virginia and West Penn has made a filing with the Public Utility Commission of Pennsylvania, each filing being with respect to the transactions proposed to be undertaken by the respective company.

The applicants-declarants have requested that the Commission's order granting and permitting effectiveness to the joint application-declaration be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7064; Filed, Aug. 4, 1948; 8:49 a. m.]

[File No. 70-1899]

KANSAS ELECTRIC POWER CO. AND KANSAS POWER AND LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of July 1948.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder, by The Kansas Electric Power Company ("Kansas Electric"), and its parent, The Kansas Power and Light Company ("Kansas Power"), both public utility subsidiaries of North American Light & Power Company and The North American Company, both registered holding companies. The applicants-declarants have designated sections 6 (b) or 7, 9 (a), 10 and 12 (b), (f), and (g) and Rules U-20, U-22, U-23, U-24, U-43 and U-45 as applicable to the proposed transactions.

Notice is further given that any person may, not later than August 18, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters stating the reasons for such request, the nature of his interest, and the issues of law or fact raised by said application-declaration which he desires to controvert or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 18, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized below:

Kansas Electric proposes to issue and sell on or before September 1, 1948, 15,500 shares of its Common Stock, no par value (being all of its remaining authorized but unissued Common Stock) to Kansas Power for a cash consideration of $42 per share aggregating $651,000. Kansas Power now owns all of the outstanding Common Stock of Kansas Electric.

Kansas Power proposes to acquire such 15,500 shares of Common Stock and also proposes to make a capital contribution to Kansas Electric, in the total amount of $549,000, on or before December 1, 1948.

The application-declaration states that Kansas Electric will use the proceeds from the sale of its Common Stock and the funds from the capital contribution for construction and for the payment of $550,000 of outstanding short-term bank loans made for financing construction expenditures.

The State Corporation Commission of the State of Kansas has issued a cer-

tificate permitting the issuance and sale of the new Common Stock of Kansas Electric.

The applicants-declarants request that the Commission's order herein be issued at the earliest possible date and that it become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7058; Filed, Aug. 4, 1948; 8:47 a. m.]

[File No. 70-1906]

QUEENS BOROUGH GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of July 1948.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Queens Borough Gas and Electric Company, a subsidiary of Long Island Lighting Company, a registered holding company. Declarant has designated section 6 (a) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than August 16, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 16, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Declarant proposes to issue and sell for cash at face amount to two commercial banks unsecured promissory notes having an aggregate face amount of $150,000 which will bear interest at the rate of 2¼% per annum, and will mature January 22, 1949. The proceeds of the sale of the notes are to be used to repay outstanding notes in the same amount, which are due August 26, 1948 and which are held by the same commercial banks.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order not later than August 20, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7060; Filed, Aug. 4, 1948; 8:48 a. m.]

[File No. 812-560]

BANKERS SECURITIES CORP. AND TOURAINE APARTMENTS, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 30th day of July A. D. 1948.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), 1315 Walnut Street, Philadelphia 7, Pennsylvania, an investment company registered under the Investment Company Act of 1940 has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed purchase by Land Title Bank and Trust Company ("Land Title"), Broad and Chestnut Streets, Philadelphia, Pennsylvania as indenture trustee, of First Mortgage Bonds, without stock attached, of Touraine Apartments, Inc. ("Touraine"), Sixteenth and Spruce Streets, Philadelphia, Pennsylvania pursuant to tenders to be made by Bankers in response to a general call for tenders by Land Title in accordance with the sinking fund provisions of the indenture securing such First Mortgage Bonds.

Bankers proposes to tender such number of bonds as will, if the tender is accepted, exhaust the sinking fund ($50,177.25) at a price not yet determined but within a range of $90 to par.

Bankers is a closed-end, non-diversified management investment company and is registered under the Investment Company Act of 1940. Bankers owned First Mortgage Bonds of Touraine in the principal amount of $263,250 out of $1,047,000 principal amount outstanding as of July 1, 1948 and 1795 shares, or 24.14%, of the 7435 shares of the outstanding voting securities of Touraine. Bankers also owns 36.13% of the voting securities of Union Building Company which owns all of the voting securities of Union Building Company of Pennsylvania ("Union"). Union, in turn, owns 16.07% of the voting securities of Touraine.

Land Title is a bank organized under the laws of the Commonwealth of Pennsylvania and is the mortgagee and trustee under the indenture securing the First Mortgage Bonds of Touraine. Bankers owns 24.97% of the outstanding voting securities of Land Title.

The acceptance by the indenture trustee, Land Title, of tenders of First Mortgage Bonds of Touraine from Bankers, constitutes a purchase of such bonds by an affiliated person (Touraine) of a registered investment company (Bankers) from the investment company and is prohibited by section 17 (a) of the act, unless an exemption therefrom is granted by the Commission pursuant to section 17 (b) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 13, 1948, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 11, 1948, at 5:30 p. m., eastern daylight saving time, submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7059; Filed, Aug. 4, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11671]

WILHELMINE SCHMIDT ET AL.

In re: Promissory note owned by Wilhelmine Schmidt and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Wilhelmine Schmidt, Wehnde, Worbis, Germany.

Karl Schmidt, Wehnde, Worbis, Germany.

Juliane Juenemann, also known as Juliane Schmidt, Thiede, Wolfenbuettel, Germany.

Georg Schmidt, Wehnde, Worbis, Germany.

Heinrich Schafberg, Wehnde, Worbis, Germany.

Friedrich Schafberg, Berlin-Spandau, Stadtrandsiedlung, Germany.

Karl Juch, Wehnde, Worbis, Germany.

Karl Schafberg, Wehnde, Worbis, Germany.

Karoline Loewentraut, also known as Karoline Schafberg, Kirchohmfeld, Worbis, Germany.

Henriette Otto, also known as Henriette Schafberg, Wehnde, Worbis, Germany.

Juliane Juch, also known as Juliane Schafberg, Wehnde, Worbis, Germany.

Walter Meier, Buchholz, near Hannover, Germany.

Frieda Behrens, also known as Frieda Meier, Hannover, Wunsdorferstr. 13, Germany.

Helene Meier, Hannover, Wunsdorferstr. 13, Germany.

Hermine Wennige, also known as Hermine Schafberg, Wehnde, Worbis, Germany.

Adolf Schafberg, Wehnde, Worbis, Germany.

Auguste Schatz, also known as Auguste Schafberg, Wehnde, Worbis, Germany.

Anna Schafberg, Wehnde, Worbis, Germany, and
Wilhelm Schafberg, Wehnde, Worbis, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation, evidenced by a note in the principal sum of $500., dated November 5, 1929, executed by Robert F. Salzwedel and Lizzie Salzwedel, and presently in the custody of the Attorney General of the United States in an account numbered 28-200143 and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in and under the aforesaid note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelmine Schmidt, Karl Schmidt, Juliane Juenemann, also known as Juliane Schmidt, Georg Schmidt, Heinrich Schafberg, Friedrich Schafberg, Karl Juch, Karl Schafberg, Karoline Loewentraut, also known as Karoline Schafberg, Henriette Otto, also known as Henriette Schafberg, Juliane Juch, also known as Juliane Schafberg, Walter Meier, Frieda Behrens, also known as Frieda Meier, Helene Meier, Hermine Wennige, also known as Hermine Schafberg, Adolf Schafberg, Auguste Schatz, also known as Auguste Schafberg, Anna Schafberg, and Wilhelm Schafberg, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7073; Filed, Aug. 4, 1948; 8:52 a. m.]

No. 152——5

[Vesting Order 11682]

OTTO MAURER

In re: Rights of Otto Maurer under insurance contract. File No. F-28-24613-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Maurer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4175164C, issued by the Metropolitan Life Insurance Company, New York, New York, to Otto Maurer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 22, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7074; Filed, Aug. 4, 1948; 8:52 a. m.]

[Vesting Order 11694]

FRANZISKA BAST

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Franziska Bast, deceased. F-28-25158-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Franziska Bast, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to the personal representatives, heirs, next of kin, legatees, and distributees of Franziska Bast, deceased, by Weniger & Walter, Inc., c/o Alexander Walter, 215 East Penn Street, Philadelphia 44, Pennsylvania, including particularly but not limited to a portion of the sum of money on deposit with the Fidelity-Philadelphia Trust Company, 135 South Broad Street, Philadelphia, Pennsylvania, in a blocked account, entitled Weniger & Walter, Inc., Agents, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Franziska Bast, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Franziska Bast, deceased are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 22, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7075; Filed, Aug. 4, 1948; 8:52 a. m.]

[Vesting Order 11698]

IINO SHOJI KAISHA LTD.

In re: Debt owing to Iino Shoji Kaisha Ltd., also known as Iino Trading Co., Ltd. F-39-1909-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Iino Shoji Kaisha Ltd., also known as Iino Trading Co., Ltd., the last

known address of which is Meiji Seimei Bldg., Marunouch, Tokyo, Japan is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Iino Shoji Kaisha Ltd., also known as Iino Trading Co., Ltd., by Harper, Robinson & Co., 510 Battery Street, San Francisco 26, California in the amount of $116.84, as of March 29, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 22, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7076; Filed, Aug. 4, 1948; 8:52 a. m.]

KOICHI TANIGUCHI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof the following property, located in the Treasury of the United States, Washington, D. C., subject to any increase or decrease resulting from the administration of such property prior to return and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Koichi Taniguchi, P. O. Box 188, Hilo, T. H.	16170	$931.83
Chitose Tanio or Shojiro Tanio, P. O. Box 72, Papaaloa, T. H.	16171	1,368.01
Mrs. Ura Ukishima, 931-B Birch St., Honolulu 46, T. H.	16173	85.15
Shinsuke Uku, 9 Miles New Camp, Olaa, T. H.	16174	601.88
Shiegeyo Urata or Katsuno Tomibe, Wainaku, Hilo, T. H.	16175	501.25
Jira Uza, Kilauea, Kauai, T. H.	16176	570.74
Yasuji Yamaguchi, 3421 Pakui St., Honolulu, T. H.	16177	11.16
Yasuji Yamaguchi or Ayako Yamaguchi, 3421 Pakui St., Honolulu, T. H.	16178	82.86
Kakuyo Yamamoto, guardian of Hiromu Yamamoto, 2975-A Loali Rd., Honolulu, T. H.	16179	874.00
Hirokichi Yamashita or Yoshiko Yamashita, P. O. Box 363, Kahului, Maui, T. H.	16180	869.93
Hisako Yamato, P. O. Box O, Honodaa, T. H.	16181	437.95
Masuyo Yamoto, P. O. Box O, Honokaa, T. H.	16184	5,019.75
Shizuka Yamoto, P. O. Box O, Honokaa, T. H.	16185	1,609.24
Kanematsu Yoshimoto or Masaru Yoshimoto, P. O. Box 37, Kekaha, Kauai, T. H.	16186	1,440.76
Aki Yamane, P. O. Box, Kakuliu, Maui, T. H.	16187	505.00
Michiko Nishida, P. O. Box 38, Hilo, T. H.	24700	18.12
Fuji Nishida, guardian of Yoshihiro Nishida, P. O. Box 38, Hilo, T. H.	24701	21.37
Fuji Nishida, guardian of Teruka, Nishida, P. O. Box 38, Hilo, T. H.	24702	11.40
Fuji Nishida, guardian of Chikaye Nishida, P. O. Box 38, Hilo, T. H.	24703	14.56
Fuji Nishida, guardian of Hiroko Nishida, P. O. Box 38, Hilo, T. H.	24704	14.56
George I. Abe, guardian of Kenneth S. Abe, 834 Mokauea St., Honolulu, T. H.	29185	14.71
George I. Abe, guardian of Paul H. Abe, 834 Mokauea St., Honolulu, T. H.	29186	13.94
Mrs. Yoneko Henmi, 766-A Williwili St., Honolulu, T. H.	29189	65.90
Kaoru Inukai, 1208 Nuuanu St., Honolulu, T. H.	29191	323.37
Seii Itomura, 1178 Maunakea St., Honolulu, T. H.	29192	153.66
Seiyo Kubokawa, guardian of Waichi Kubokawa, deceased, 2010 Algaroba St., Honolulu, T. H.	29194	21.66
Tomeyo Masatani, 526-F Koule St., Honolulu, T. H.	29196	5.40
Hinae Matsuse, (now Mrs. Hinae Okinaka), Pahala, Kau, T. H.	29197	508.36
Tamiju Murakami,[1] Paia, Maui, T. H.	29198	1,826.72
Toyokichi Oi, 2469 South King St., Honolulu, T. H.	29200	8.34
Toshiaki Oi, guardian of Toshiko Oi, 2469 South King St., Honolulu, T. H.	29201	17.27
Toshiaki Oi, trustee for Shoichi Oi, 2469 South King St., Honolulu, T. H.	29202	3.73
Toshiaki Oi, trustee for Harue Oi, 2469 South King St., Honolulu, T. H.	29203	8.60
Mrs. Hisami Ohira, P. O. Box 163, Makaweli, Kauai, T. H.	29204	102.32
Yutaka Suekuni, 1210 Desha Lane, Honolulu, T. H.	29205	77.32
Sue Shigeno, 2724-E Waiaka Rd., Honolulu, T. H.	29206	10.04
B. Tokioka, 1660 Kalakana Ave., Honolulu 19, T. H.	29207	18.00
Ryutaro Tamaki or Suino Tamaki, 1471-A Huuanu Ave., Honolulu, T. H.	29208	1,049.09
Kameyo Tanaka, 3611 McCorriston St., Honolulu 40, T. H.	29209	45.35
Kamayo Tanaka, trustee for Toshiyuki Tanaka, 3611 McCorriston St., Honolulu 40, T. H.	29210	32.29
Ryutaro Tamaki, 1471-A Nuuanu Ave., Honolulu, T. H.	29211	11.93
Hiromi Takata, Waimea Hotel, Kamuela, Hawaii, T. H.	29212	26.60
Hikoichi Yamamoto or Mina Yamamoto, P. O. Box 185, Pearl City, Oahu, T. H.	29214	24.41
Sumio Aoyama, guardian of Aiko Aoyama, 1367 Frank St., Honolulu 36, T. H.	29849	104.93
Yoshimichi Arakawa, 941 Fifth Ave., Honolulu, T. H.	29850	351.51

[1] Or Jujiro Murakami, deceased.

Claimant	Claim No.	Property
Mrs. Sadako Ikehara or Ginyei Ikehara, 3161 Woodlawn Dr., Honolulu, T. H.	29852	$179.09
Keiji Ikezaki, 24 South Kukui St., Honolulu, T. H.	29853	103.86
Kane Kaneda, 1262 Fort St., Honolulu, T. H.	29854	13.67
Masaji Koide, 2135 Waiola St., Honolulu 27, T. H.	29856	805.90
Tsutomu Kuniyuki, P. O. Box 116, Kilauea, Kauai, T. H.	29857	406.69
Moichi Matsumoto, 523 Ahui St., Honolulu 13, T. H.	29858	643.20
Riichi Miyahara, 1907 Algaroba St., Honolulu, T. H.	29859	306.09
Minato Miyazaki, 408 North School St., Honolulu, T. H.	29860	43.44
Hide Morimoto or Kiyoko Morimoto, 641 McNeill St., Honolulu 35, T. H.	29861	7.38
Tsuruye Nakayama, 1830 Palolo Ave., Honolulu, T. H.	29863	55.23
Tsuruye Nakayama, 1830 Palolo Ave., Honolulu, T. H.	29864	41.31
Ito Nerio,[2] 1216 Lilo Pl., Honolulu, T. H.	29865	639.21
Giichi Ochiai or Shigeyo N. Ochiai P. O. Box 227, Waialua, Oahu, T. H.	29866	10.24
Toyokazu Okamura or Tsuya Okamura, 2801 East Manoa Rd., Honolulu 15, T. H.	29867	170.41
Junokichi Senda, P. O. Box 1191, Lihue, Kauai, T. H.	29869	58.76
Sae Tachikawa, guardian of Meikyo Tachikawa and Jikyo Tachikawa, P. O. Box 2856, Wailuku, Maui, T. H.	29870	261.95
Yasutaro Takemoto or Misao Takemoto, 506 Kamani St., Honolulu, T. H.	29871	120.45
Suino Tamaki, 1471-A Nuuanu Ave., Honolulu, T. H.	29872	578.43
Mitsuko Tanaka, Punaluu, Oahu, T. H.	29873	44.25
Yoshishiro Uda, 915 20th Ave., Honolulu 14, T. H.	29874	526.61
Denzo Uyeno, 3505 Manoa Rd., Honolulu 54, T. H.	29875	24.92
Waihona C. E. Teritore, 1232 Palamea Lane, Honolulu, T. H.	29876	185.47
Isao Yamamoto or Kuniko Yamamoto, 1710 C-1 Lilika St., Honolulu, T. H.	29877	45.44
May F. Yamashita, 1273 North King St., Honolulu 51, T. H.	29878	8.83
Shigejiro Yasuda, trustee for Yoshito Yasuda, 1018 Kikeke Ave., Honolulu 41, T. H.	29879	100.29
Shigejiro Yasuda, trustee for Tanio Yasuda 1018 Kikeke Ave., Honolulu 41, T. H.	29880	12.77
Kikue Nakamura (formerly Kikue Miura), 3316 Monsarrat Ave., Honolulu, T. H.	29881	83.33
Doctor's Account, c/o T. Date, Kuakini Hospital, Honolulu, T. H.	30330	1,345.00

[2] Or Benzaburo Nerio, deceased.

Executed at Washington, D. C., on July 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7083; Filed, Aug. 4, 1948; 8:54 a. m.]

[Vesting Order 11702]

MARIA RAULA

In re: Bank account owned by Maria Raula. F-28-26053-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Raula, whose last known address is Bremen, Germany, is a resident of Germany and a national

of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Security-First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles 54, California, arising out of a Savings Account, entitled Cecil Carl Ryan, deceased, maintained at the Carthay Center branch office of the aforesaid bank located at Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maria Raula, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 22, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7077; Filed, Aug. 4, 1948; 8:52 a. m.]

[Vesting Order 11709]

MARGARETE SONNEN

In re: Bank account owned by Margarete Sonnen. F-28-603-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Sonnen, whose last known address is Bruhl be Koen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Margarete Sonnen, by Manufacturers and Traders Trust Company, 284 Main Street, Buffalo 5, New York, arising out of a blocked savings account, entitled Margarete Sonnen, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 26, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7078; Filed, Aug. 4, 1948; 8:53 a. m.]

[Vesting Order 11726]

I. G. FARBENINDUSTRIE A. G.

In re: Bank account owned by and debt owing to I. G. Farbenindustrie A. G. F-28-275-C-4, F-28-275-E-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie A. G., the last known address of which is Frankfurt, Germany, is a corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account entitled I. G. Farbenindustrie A. G. Zentral-Finanzverwaltung, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to I. G. Farbenindustrie A. G. by Pierce, Scheffler & Parker, 1319 F Street NW., Washington, D. C., in the amount of $207.60, as of March 25, 1946, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7079; Filed, Aug. 4, 1948; 8:53 a. m.]

[Vesting Order 11728]

GEERHARD GRIEBER ET AL.

In re: Bank account owned by Geerhard Grieber, Elske Korber, Hilda Everdiene Oltmanns, Arnold Stinus Oltmanns, Martha Sparringa Ley, Johanna Sparringa, Titia Sparringa and Antje Sparringa. F-28-25071-A-1, F-28-25932-A-1, F-28-26091-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Geerhard Grieber, Elske Korber, Hilda Everdiene Oltmanns, Arnold Stinus Oltmanns, Martha Sparringa Ley, Johanna Sparringa, Titia Sparringa and Antje Sparringa, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Van Eman & Mulder, Parkersburg State Bank Building, Parkersburg, Iowa, in the amount of $80.00 as of December 31, 1945, representing distributions from the Estate of Henry Conraads, said funds presently on deposit in a Trust Fund Account entitled Van Eman & Mulder maintained at the Parkersburg State Bank, Parkersburg, Iowa, and any and all rights to demand, enforce and col-

lect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Geerhard Grieber and Elske Korber, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Van Eman & Mulder, Parkersburg State Bank Building, Parkersburg, Iowa, in the amount of $395.20, as of June 10, 1948, representing distributions from the Estate of Aeilt Schulte, said funds presently on deposit in a Trust Fund Account entitled Van Eman & Mulder, maintained at the Parkersburg State Bank, Parkersburg, Iowa, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hilda Everdiene Oltmanns and Arnold Stinus Oltmanns, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation of Van Eman & Mulder, Parkersburg State Building, Parkersburg, Iowa, in the amount of $598.00 as of June 10, 1948, representing distributions from the Estate of Aeilt Schulte, said funds presently on deposit in a Trust Fund Account entitled Van Eman & Mulder, maintained at the Parkersburg State Bank, Parkersburg, Iowa, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha Sparringa Ley, Johanna Sparringa, Titia Sparringa and Antje Sparringa, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7080; Filed, Aug. 4, 1948; 8:53 a. m.]

[Vesting Order 11732]

BUNJI SAWADA AND KATSUMI SAWADA

In re: Bank account owned by Bunji Sawada, also known as B. Sawada, and Katsumi Sawada. F-39-1140-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bunji Sawada, also known as B. Sawada, and Katsumi Sawada, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Bunji Sawada, also known as B. Sawada, and Katsumi Sawada by The Marine Midland Trust Company of New York, 120 Broadway, New York, New York, arising out of a checking account entitled B. Sawada and/or Katsumi Sawada, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7081; Filed, Aug. 4, 1948; 8:53 a. m.]

IRENE WESER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and location
Irene Weser, Budapest, Hungary.	36735	$7,070 in the Treasury of the United States.

Executed at Washington, D. C., on July 30, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7082; Filed, Aug. 4, 1948; 8:53 a. m.]